



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.07.2020

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) .No.8622 of 2019

and

W.M.P. (MD) .No.6724 of 2019

WEB COPY

P.Karthikeyan

...Petitioner

Vs.

1.The Executive Officer,
Arulmighu Mariamman Thirukovil,
Manapaarai Town,
Tiruchirapalli District.

2.The Hereditary Trustee,
Arulmighu Mariamman Thirukovil,
Manapaarai Town,
Trichirapalli District.

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, forbearing the first respondent from interfering petitioner's duty as Poojari under Arulmigu Mariamman Thirukovil, Manaparai Town, Trichy District.

For Petitioner : Mr.R.Murali
For R-1 : Mr.A.N.Ramanathan

ORDER

Heard the learned counsel on either side.

2.The petitioner is employed as a Poojari in the respondent Temple. The grievance of the petitioner is that the first respondent is interfering with the discharge of his duties as a Poojari.

3.The learned counsel appearing for the first respondent submitted that the petitioner was originally working as temporary Poojari and that he was found to have mishandled the receipt book of the Temple and that he was suspended from service by the first respondent. He would also state that the petitioner was absconding for a period about seventeen months.

4.The grievance of the first respondent is that when regular selection for the post of Poojari was conducted in the year 2019, without taking note of all these aspects, the trustee proceeded to appoint the petitioner to the said post.

5.The allegations and objections made by the learned



counsel appearing for the first respondent appears to be quite formidable but they are coming from a wrong source. The authority competent to deal with the petitioner can only be the trustee. The Temple in question namely Arulmighu Mariamman Thirukovil, Manapaarai Town, Trichirapalli District, is managed by the hereditary trustee and therefore, in any event, it is only the trust board or the trustee who will have disciplinary control over the Temple staff and servants. The first respondent may not even have jurisdiction to take action against the Temple staff.

6.It is also seen that the second respondent/Disciplinary authority is sailing with the petitioner. It is further stated that the then Executive Officer whose conduct lead to filing of this Writ Petition has since been transferred. Therefore, I have no hesitation to grant the relief as sought for.

7.The Writ Petition stands allowed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CSII)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

tsg

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Executive Officer,
Arulmighu Mariamman Thirukovil,
Manapaarai Town,
Tiruchirapalli District.

2.The Hereditary Trustee,
Arulmighu Mariamman Thirukovil,
Manapaarai Town,
Trichirapalli District.

W.P. (MD) .No.8622 of 2019
14.07.2020

KB(22.07.2020) 2P 3C

<https://hcservices.ecourts.gov.in/hcservices/>