



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **25.02.2020**
CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE A.P.SAHI, CHIEF JUSTICE
AND
THE HONOURABLE MR.JUSTICE SUBRAMONIUM PRASAD**

**W.P (MD)No.13061 of 2018
and
W.M.P (MD)Nos.11931 and 11932 of 2018**

1.A.Muniyandi
2.V.Mariyappan
3.M.Senthil Kumar
4.S.Bhagavathinathan
Vs. ... Petitioners

1.The State of Tamil Nadu,
represented by its
Secretary,
Department of Hindu Religious and Charitable Endowments,
Fort St. George, Chennai - 09.

2.The Commissioner,
The Hindu Religious and Charitable Endowments,
119, Uthamar Gandhi Road,
Chennai - 34.

3.The Joint Commissioner / Executive Officer,
Arulmigu Subramaniya Swami Thirukovil,
Thiruchendur Taluk,
Tuticorin District. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Declaration, to declare the Rule 5-C(1) of the Tamil Nadu Religious Institutions (Officers and Servants) Service Rules, 1964, pertaining to the promotion of the Assistant Electrical Wireman as illegal and consequential proceedings in Na.Ka.No.5933/2016/A5-1, dated 12.02.2018 on the file of the third respondent and consequently, promote the petitioners to the post of Assistant Electrical Wireman within the time frame stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy
For Respondents : Mr.VR.Shanmuganathan
Special Government Pleader for R.1 & R.2
Mr.G.Muthu Geethaiyan for R.3



O R D E R

[Order of the Court was made by **SUBRAMONIUM PRASAD, J.**]

The instant writ petition challenges the vires of Rule 5-C(1) of the Tamil Nadu Religious Institutions (Officers and Servants) Service Rules, 1964, pertaining to the promotion of the Assistant Electrical Wireman from the post of Helper. The petitioners are working as Helpers having the qualification for the post of Wireman Trade. The qualification prescribed in the impugned Rule for the post of Assistant Electrical Wireman is I.T.I. Electrical/Trade. The qualification was introduced by the impugned amendment. The amendment is challenged on the ground that it is completely arbitrary.

2. The learned Special Government Pleader submitted that the said Rule has already been struck down by an order dated 05.07.2012 passed by a learned Single Judge in W.P.No.1890 of 2011. He also submitted that the said order has been confirmed by the Division Bench of this Court, on 22.01.2015 in W.A.No.491 of 2013. In any event, it is brought to our knowledge that the pay scale of both the posts is now same.

3. In view of the above and that the said Rule has already been struck down, we find no cause of action arisen in this writ petition and therefore, the same is dismissed as infructuous. No costs. Consequently, the connected writ miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Rsb

To

1.The Secretary,
State of Tamil Nadu,
Department of Hindu Religious and Charitable Endowments,
Fort St. George, Chennai - 09.

2.The Commissioner,
The Hindu Religious and Charitable Endowments,
119, Uthamar Gandhi Road,
Chennai - 34.

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



3.The Joint Commissioner / Executive Officer,
Arulmigu Subramaniya Swami Thirukovil,
Thiruchendur Taluk,
Tuticorin District.

+1 CC to MR. M.MUTHUGEETHAYAN, Advocate (SR-8181[F] dated
25/02/2020)
+1 CC to SPL.GP (SR-8415[F] dated 26/02/2020)

W.P(MD)No.13061 of 2018
and

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MK (04.03.2020) 3P 6C