

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.6034 of 2021 and
WMP Nos.6081 & 6082 of 2021

K.Gowthaman Poosari

... Petitioner

-vs-

1. The Commissioner,
Hindu Religious and Charitable
Endowments Department,
No.119, Uttamar Gandhi Salai,
Nungambakkam,
Chennai - 600 034.
2. The Joint Commissioner,
Hindu Religious and Charitable
Endowments Department,
Gandhi Nagar 7th Street,
Tiruvannamalai Town - 606 601.
3. The Assistant Commissioner,
Hindu Religious and Charitable
Endowments Department,
Thiruvoodal Street,
Tiruvannamalai Town - 606 601.
4. The Executive Officer / Thakkar,
Hindu Religious and Charitable
Endowments Department,
Arulmigu Sri Kaliyamman Thirukovil,
Kannigaparameswari amman koil compound,
Tirvannamalai Town - 606 601.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the 4th respondent and quash the Notification issued under reference number VE.AA.No.09/SE.MA.THO.A/2021, dated 21.01.2021 published in Tamil Daily Newspaper "Dina Thanthi" concerning the appointment of Poosari in Arulmigu Sri Kaliyamman Tirukovil, Chengam Road, Girivalapathai, Tiruvannamalai Town as the same is per-se illegal, vague, defective, nominal, biased, malafide, arbitrary and perverse and consequently directing the respondents to consider the petitioner's representations, dated 06.01.2021 and

11.01.2021 for appointment as permanent Poosari in the said Arulmigu Sri Kaliyamman Tirukovil, Chengam Road, Girivalapathai, Tiruvannamalai Town.

For Petitioner : Mr.S.L.Sudarsanam
For Respondents : Mr.M.Karthikeyan
(for HR & CE Department)
Special Government Pleader

O R D E R

This Writ petition is filed, to quash the Notification issued under reference number VE.AA.No.09/SE.MA.THO.A/2021, dated 21.01.2021 by the 4th respondent, published in Tamil Daily Newspaper "Dina Thanthi" concerning the appointment of Poosari in Arulmigu Sri Kaliyamman Tirukovil, Chengam Road, Girivalapathai, Tiruvannamalai Town and for a consequential direction to the respondents to consider the petitioner's representations, dated 06.01.2021 and 11.01.2021 for appointment as permanent Poosari in the said Arulmigu Sri Kaliyamman Tirukovil, Chengam Road, Girivalapathai, Tiruvannamalai Town.

2. Mr.M.Karthikeyan, learned Special Government Pleader takes notice for HR & CE Department. By consent, the Writ Petition is taken up for final disposal at the admission stage.

3. The petitioner challenges the impugned notification dated 21.02.2021 published by the 4th respondent with regard to the appointment of Poosari in Arulmigu Sri Kaliyamman Tirukovil, Chengam Road, Girivalapathai, Tiruvannamalai Town. In this connection, the petitioner has made representations on 06.01.2021 and 11.01.2021. As there is no action taken on the representations, the petitioner is before this Court by filing the present Writ Petition with the aforesaid relief.

4. When the matter is taken up for hearing, it is represented by the Special Government Pleader appearing for Hindu Religious and Charitable Endowment Department that there is only one vacancy for the post of Poosari and the petitioner is not found fit to the said post. He further submitted that the present notification is dated 21.01.2021 and the last date fixed for the submission for application was 19.02.2021.

5. The learned counsel for the petitioner submitted that a reading of Rule 9 (2) (a) of the Tamilnadu Hindu Religious Institutions Employees (Conditions of Service) Rules, 2020, clearly states that minimum one month time, should be given for submission of applications from the date of notification and the total number of vacancies should be mentioned therein. The relevant paragraph is extracted hereunder:

"The Executive Authority shall publish a notice containing the details of the posts proposed to be filed up, namely the number of vacancies, the required qualification, the scale of pay and such other details as may be necessary, calling for applications for the post, giving minimum of one month time, for submission of applications.

6. Admittedly there was no notice published indicating the number of vacancies and other details before calling for applications and therefore, the impugned notification has no legs to stand and needs interference by this Court. It is needless to mention that in case of non-availability of eligible candidate for the post, it is open to the respondents to issue a fresh notification, duly following the relevant provisions of the Rule and go head with the selection process. This Writ Petition is ordered accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

vum
To

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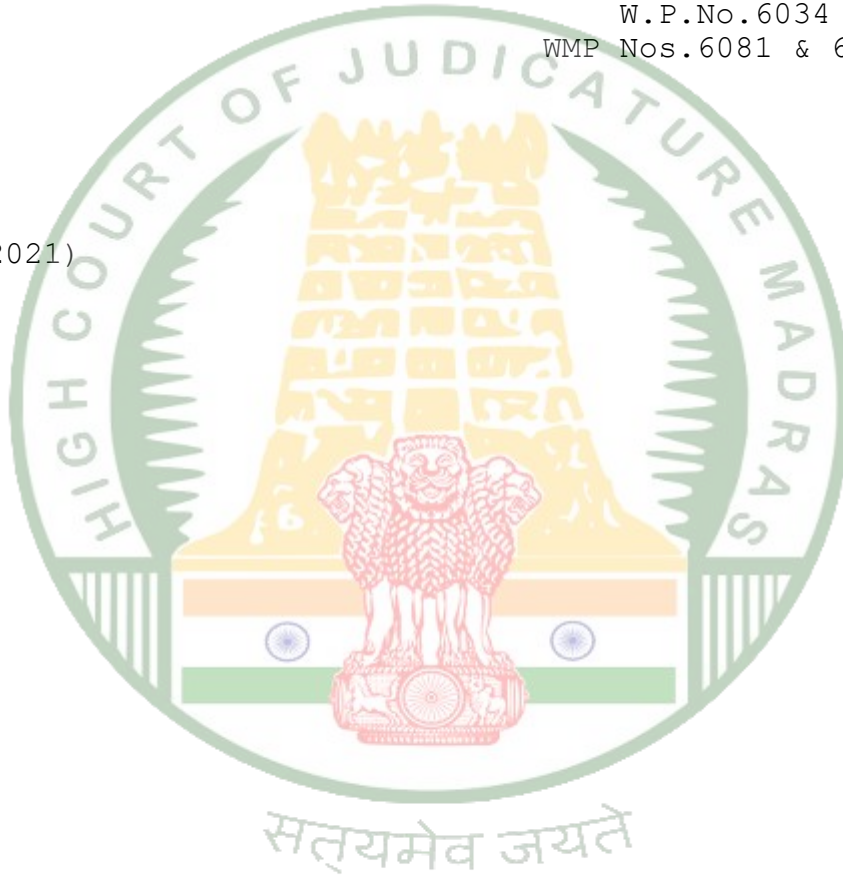
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+1 CC to Mr.S.L. Sudarsanam, Advocate sr 15798

+1 CC to The Special Government Pleader sr 16490.

W.P.No.6034 of 2021 and
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EV(CO)
SP(21/06/2021)



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