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W.P.No.22523 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2022

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.22523 of 2019

K.Sampath

... Petitioner

-Vs-

1. The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Salem 636 001.
2. The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Salem 636 001.
3. The Inspector,
Hindu Religious and Charitable Endowment Department,
Salem 636 001.
4. The Executive Officer,
Arulmigu Sendraya Perumal Temple,
Gonur Village, Mettur Taluk,
Salem District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Mandamus, directing the 4th respondent to recommend the name of the petitioner for appointment as the Archakar in the Arulmigu Sendraya Perumal Temple at Gonur Village on a permanent basis pursuant to the orders issued by the 2nd respondent by order dated 28.5.2019 bearing Ref. NO. Na. Ka. No. 5830/ 2019/ A3.



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For Petitioner : Mr.R.Saravanan
For Respondents : Mr.K.Karthikeyan
Government Advocate [for R1 to R3]
: Mr.K.Ashok Kumar [for R4]

ORDER

The relief sought in the present writ petition is to direct the fourth respondent to recommend the name of the writ petitioner for appointment as the Archakar in the Arulmigu Sendraya Perumal Temple at Gunur Village, on a permanent basis pursuant to the orders of the second respondent dated 28.05.2019.

2. The petitioner states that the Arulmigu Sendraya Perumal Temple at Gunur Village is an ancient temple and the petitioner's family has been hereditary Archakars in the said temple. They are performing the services in the temple for generations after generations, and therefore, the petitioner submitted a representation to recommend his case for appointing him as Archakar.

3. The very relief sought is to direct the fourth respondent Executive Officer of the Temple to recommend the name of the writ petitioner to appoint him as Archakar. This Court cannot recommend, to



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further recommend the name of the writ petitioner, exercising the powers of judicial review. Thus, the relief sought itself is misconceived and is in the absence of any right and the Court would not be in a position to issue any direction in this regard.

4. Appointment can never be claimed as a matter of right. Appointments are to be made strictly in accordance with the rules and by following the procedures as contemplated. If at all, the petitioner is eligible, he has to be considered by the competent authorities, only in accordance with the law and not by filing a writ petition. Since the High Court in exercise of powers of judicial review, cannot direct the fourth respondent to recommend the case of the writ petitioner for appointment.

5. The learned counsel appearing on behalf of the fourth respondent Temple made a submission that there is no such sanctioned post of Archakar in the said Temple and further, the petitioner is already over aged. The petitioner, even at the time of filing of the writ petition, was aged about 56 years and now he would be around 59 years. The retirement age for the post of Archakar is 60 years and therefore, the case of the petitioner cannot be considered.



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6. However, this Court is of the considered opinion that the petitioner has not established any right to consider his case, and further he has already aged near of 60. Thus the writ petition stands **dismissed**. However there shall be no order as to costs.

01.12.2022

Index : Yes
Speaking order
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To

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Salem 636 001.
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S.M.SUBRAMANIAM.J.,

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