



WEB COPY

W.P. (MD) Nos. 20863 and 20964 of 2019
and 17446 and 17447, 17560 and 17561 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.04.2022

CORAM:

THE HONOURABLE **MR. JUSTICE S.M. SUBRAMANIAM**

W.P. (MD) Nos. 20863 and 20964 of 2019
and 17446 and 17447, 17560 and 17561 of 2019

T.Muthuraj
L.Suresh

... Petitioner in W.P.No.20863
... Petitioner in W.P.No.20964

Vs.

- 1.The Commissioner
Tamilnadu Hindu Religious & Charitable Endowment Board
Chennai.
- 2.The Joint commissioner
Tamilnadu Hindu Religious & Charitable Endowment Board
Tirunelveli.
- 3.The Executive Officer,
Arulmigu Kasivisvanatha Swamy Thirukovil
Tenkasi
- 4.Thakkar/Assistant commissioner
Arulmigu Kasi Viswanatha Swamy Thirukovil
Tenkasi 627 811

... Respondents in both WPs

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of a writs of Certiorari and Mandamus to call for the records of the impugned notification for direct recruitment issued by the 3rd respondent herein in his proceedings in employment Notice No.1/2019 and consequential impugned order passed by the 3rd respondent herein Na.Ka.No.582/2019/A1 dated 09.09.2019 and quash the same as illegal and further direct the 3rd respondent herein to implement the circular issued in 1st respondent in matter of filling the vacant post in Arulmigu Kasi Viswanatha Swamy Thirukovil, Tenkasi, Tirunelveli District.

For Petitioner : Mr.D.Nallathambi

For Respondents : Mr.G.V.Vairam Santhosh
for R1, R2 & R4
Additional Government Pleader

Mr.Muthu Geethaiyan for R3



ORDER

The employment notification No.1/2019 and the rejection order dated 09.09.2019 are under challenge in the present writ petitions.

2. The petitioners are employed in Arulmigu Kasi Viswanathar Thirukoil, Tenkasi District. A recruitment notification was issued by the Executive Officer and the said notification is under challenge on the ground that the petitioners are eligible for promotion to the said posts.

3. The claim of the writ petitioners was rejected on the ground that they were not qualified.

4. The learned counsel for the Executive Officer brought to the notice of this Court that during the pendency of the writ petitions, new Rules came into force, ie., Tamil Nadu Hindu Religious Institution Employees Conditions of Service Rules, 2020. Therefore, the impugned recruitment notification was not acted upon, though the applications were received from the eligible candidates.

5. However, in view of the new Rules, the respondents have to issue a fresh notification inviting applications from eligible persons under the new service rules, as the earlier notification was not acted upon for about three years. The learned counsel for the Executive Officer also made a submission that in the event of issuing any recruitment notification and if the petitioners are qualified as per the terms and conditions of the notification and the Rules in force, they are at liberty to participate in the process of selection.

6. In view of the said submission, no further adjudication needs to be entertained and the petitioners are at liberty to participate in the process of selection, if any notification is issued pursuant to the new service Rules.

7. The writ petitions stand disposed of. No costs. Consequently connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-III)

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/ /2022

Sub Assistant Registrar (CS)



To

1. The Commissioner
Tamilnadu Hindu Religious & Charitable Endowment Board
Chennai.

2. The Joint commissioner
Tamilnadu Hindu Religious & Charitable Endowment Board
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3. The Executive Officer,
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Tenkasi

4. Thakkar/Assistant commissioner
Arulmigu Kasi Viswanatha Swamy Thirukovil
Tenkasi 627 811

+1 CC to M/s. M. MUTHUGEETHAYAN, Advocate (SR-16889[F] dated
06/04/2022)

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RK(20/04/2022) 3P 6C