



WEB COPY



W.P.(MD).No.21271 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.09.2023

CORAM

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

WP.(MD).No.21271 of 2023
and W.M.P.No.17677 of 2023

S.Dhinesh

.. Petitioner

Versus

1.The Chief Secretary
Government of Tamil Nadu
Secretariat, St.George Fort
Chennai – 600 009

2.The Secretary
Government of Tamil Nadu
Secretariat, St.George Fort
Chennai – 600 009

3.The Secretary
Tourism, Culture and Religious
Endowments Department
Government of Tamil Nadu
Secretariat, St.George Fort
Chennai – 600 009

4.The Commissioner
Hindu Religious Charitable Endowment Department
No.119, Uthamar Gandhi Road
Nungambakkam, Chennai – 600 034

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 to 4 to consider the petitioner's representation dated 01.08.2023 and consequently directing the respondents 1 to 4 to make appointments to the post of Assistant Commissioner by direct recruitment for the year 2023-2024 in accordance with



W.P.(MD).No.21271 of 2023

the Tamil Nadu Hindu Religious and Charitable Endowments Administrative Service published vide G.O.Ms.No.1942, Revenue dated 27.07.1968.

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For Petitioner : Mr.J.Karmega Kannan

For Respondents : Mr.E.Vedabagath Singh for R1 & R2
Special Government Pleader
Mr.S.Yashwanth for R3 & R4
Additional Government Pleader (HR & CE)

ORDER

This writ petition has been filed in the name of Public Interest Litigation seeking for a direction to the respondents to consider the petitioner's representation and consequently direct them to make appointments to the post of Assistant Commissioner by direct recruitment for the year 2023-2024 in accordance with the Tamil Nadu Hindu Religious and Charitable Endowments Administrative Service published vide G.O.Ms.No.1942, Revenue dated 27.07.1968.

2. It is the grievance of the writ petitioner that the petitioner is a practising lawyer and according to him, the post of Assistant Commissioner in Hindu Religious and Charitable Endowments Department has to be appointed as per the G.O.Ms.No.1498, Revenue dated 27.07.1968. The vacancies in the cadre of Assistant Commissioner shall be filled in the proportion 60:40, i.e., 60% by recruitment by transfer and 40% by direct recruitment. However, from

2017, only three posts alone are filled through direct recruitment process. The



W.P.(MD).No.21271 of 2023

petitioner is aspiring to become an Assistant Commissioner, since, the above referred Government Order is not followed, seeks direction in this writ petition.

3. At the outset, this Court of the view that there is no legal right for the petitioner to seek such mandamus, it is for the authorities to notify the vacancies. The petitioner by way of mandamus cannot seek for a direction to the respondents to notify the vacancies or appointment. If any appointment or notification issued to fill up the vacancies for the post of Assistant Commissioner, the same shall be in accordance with the Government Order in G.O.Ms.No.1498, Revenue dated 27.07.1968 passed in Tamil Nadu Hindu Religious and Charitable Endowments Administrative Service. Therefore, a blanket direction cannot be issued. Whenever any vacancies arises, the same should be strictly in accordance with Rules prevailing.

4. In view of the above, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

14.09.2023

dhk

Index:Yes/No

N.SATHISH KUMAR, J.



WEB COPY



W.P.(MD).No.21271 of 2023

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To,

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