



W.P.(MD).No.19847 of 2021

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.11.2023

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THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD).No.19847 of 2021

and

W.M.P(MD)Nos.16548, 16550 & 16553 of 2021

Muthukaruppan

... Petitioner

Vs.

The Executive Officer,
Pudukkottai Devasthanam Office,
Pallavankulam Vadakarai,
Pudukkottai District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Na.Ka.No.135/2021/ஊடக, dated 12.08.2021 and quash the same as illegal and violative of Article 25 (1) of Constitution of India and consequently direct the respondent to permit the petitioner to continue in the post of "POOJAGAR" (archakars) of "Arulmigu Malaiya Marungar and Urumanathar Temple" under the control of Pudukkottai Devasthanam.

For Petitioner : M/s.A.Banumathy



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For Respondent : Mr.G.Mathavan

ORDER

The present writ petition has been filed by a Poojari of the respondent Temple challenging the order, wherein he was retired on attaining the age of superannuation.

2. According to the learned Counsel appearing for the writ petitioner, the petitioner is a hereditary poojari and therefore, there is no retirement age and hence, the order impugned in the writ petition, dated 12.08.2021 retiring him from service on the ground that he had attained superannuation is not legally sustainable.

3. Per contra, the learned Counsel appearing for the respondent Temple had contended that he is not a hereditary poojari and he was appointed by an order of the respondent, dated 07.06.1988 and after completion of 60 years, he was asked to retire, based upon the age of superannuation. Hence, he did not have any vested right to continue after attaining the age of superannuation.



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4. I have carefully considered the submissions made on either side and perused the materials available on record.

5. A perusal of the typed set of papers indicate that the petitioner has been appointed as a poojari of the respondent Temple by an order of the respondent herein on 07.06.1988. Therefore, it is clear that the petitioner's source of employment is the appointment order issued by the respondent and not by hereditaryship. That apart, Section 55(2) of the Tamil Nadu Hindu Religious and Charitable Endowment Act clearly points out that no person shall be entitled to appointment to any vacancy merely on the ground that he is next in the line of succession to the last holder of the office. This provision was introduced under Tamil Nadu Act 2 of 1971. Therefore, it is clear that hereditary poojariship has been abolished in the year 1971 itself.

6. In view of the above said facts, it is clear that the respondent Temple had rightly retired the petitioner on attaining the age of superannuation with effect from 31.08.2021. Hence, there are no merits in the present writ petition.



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This writ petition stands dismissed. There shall be no order as to costs.

Consequently, connected Miscellaneous Petitions stand closed.

16.11.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR

To

The Executive Officer,
Pudukkottai Devasthanam Office,
Pallavankulam Vadakarai,
Pudukkottai District.



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R.VIJAYAKUMAR, J.

BTR

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