



W.P(MD)No.21931 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.09.2023

CORAM:

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR
and
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

**W.P(MD)No.21931 of 2023
and
W.M.P(MD)No.18294 and 18295 of 2023**

1. P.K.Periyagangai
2. Ravi Kumar

... Petitioners

-VS-

1. The Commissioner,
Hindu Religious and Charitable Endowment Department,
Nungambakkam,
Chennai.

2. The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Madurai.

3. Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Madurai.

4. The Inspector,
Hindu Religious and Charitable Endowment Department,
Alanganallur,
Madurai.

5. Executive Officer,
Arulmigu Muniyandi Swamy Vagaiyara Thirukkivil,
Alanganallur,
Madurai District.



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6. Arulmigu Muniyandi Swamy Vagaiyara Thirukkivil,
Alanganallur,
Rep. by its Present Trustee/Fit Person,
Alanganallur,
Madurai District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1 to 3 respondents herein more particularly the Joint Commissioner / 2nd respondent to reissue the application forms for selection of eligible persons for the non-hereditary trustee committee for Arulmigu Muniyandi Swamy Vagaiyara Thirukkivil, Alanganallur, Madurai District, in accordance with the order dated 11.11.2022 passed in W.P.(MD)No.13107 of 2020 and as per the circular issued by the 1st respondent in Na.Ka.No. 17321/2022-2/A2 dated 23.01.2023.

For Petitioners : Mr.V.Meenakshi Sundaram, Senior Counsel
For R1 to R6 : Mr.P.Thilakkumar, Government Pleader

ORDER

[Order of the Court was made by S.S.SUNDAR, J.]

This writ petition is filed for issuance of a Writ of Mandamus, directing respondent Nos.1 to 3 herein, more particularly, the Joint Commissioner/respondent No.2 to re-issue application forms for selection of eligible persons for non-hereditary trustee committee of Arulmigu Muniyandi Swamy Vagaiyara Thirukkivil, Alanganallur, Madurai District, in accordance with order dated 11.11.2022 passed in



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W.P.(MD)No.13107 of 2020 and as per the Circular issued by respondent No.1 in Na.Ka.No. 17321/2022-2/A2, dated 23.01.2023.

2. The petitioners are residents of Alanganallur Village. It is their case that respondent No.2 has invited applications from eligible persons for appointment of non hereditary trustee in Arulmigu Muniyandi Swamy Vagaiyara Thirukkivil, Alanganallur, Madurai District, without specifying a column in the model application as regards the political background of the candidates who apply for being appointed as non hereditary trustees. Hence, this writ petition.

3. Learned Senior Counsel appearing for the petitioner relies upon the judgment of the Division Bench of this Court in Suo Motu W.P.No.574 of 2015 and connected matters which were disposed of by order dated 07.06.2021, wherein, the Division Bench has given several directions and indicated that there shall be a prohibition for the person with political background to be appointed as a trustee or employee of the temple in any cadre in view of Rule 14 of the Tamil Nadu Government Servant Conduct Rules. It is brought to the notice of this Court that in the Review Application(Writ) Nos.169 and 170 of 2021, by order dated 02.06.2023, the Division Bench has only observed that trustees who play a significant role in the day to day management of



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temple administration are to be people of impeachable character with devotion towards the deity. The suggestion was that the person who seeks appointment as non hereditary trustee, should not be based on political will but mere political connection is not a disqualification. The petitioner has stated that the applications called for by the respondent No.2 without providing a column as to the fact whether the applicant has any political allegiance or political background is improper and therefore, the whole selection should be proceeded by issuing a fresh notification. This Court is unable to find specific directions to disqualify persons who have mere political connection.

4. Though this Court is convinced that it is desirable to have persons without political background as non hereditary trustee in the temple as directed by this Court earlier, this Court is unable to find any valid reason to stall the selection process or to direct issuance of fresh notification, as the fact whether the applicants to the posts are having political background or not, can be considered before appointment by conducting an interview where the proposed candidates should be asked to file an affidavit as to their eligibility by disclosing the candidate's political allegiance, if any. The consideration as to the eligibility will be in accordance with the directions of the Hon'ble Division Bench referred to above.



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5. Therefore, this Writ Petition is disposed of with a direction to respondent No.2 to ensure that the directions of this Court in the order referred to above are followed while appointing non hereditary trustees, pursuant to the notification. The respondent No.2 shall specifically require the prospective candidates to file an affidavit disclosing the details which are required to be considered as per the directions. No costs. W.M.P(MD)No.18294 of 2023 filed to permit the petitioners to file a single writ petition is allowed and disposed of, as they have paid separate sets of court fee. W.M.P(MD)No.18295 of 2023 is closed.

[S.S.S.R, J.] [D.B.C., J.]
11.09.2023

Index : Yes / No
Neutral Citation : Yes / No
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To

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6. The Present Trustee/Fit Person,
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