



WEB COPY



W.P.No.15126 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2024

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.15126 of 2021
and W.M.P.No.16027 of 2021

R.Shampath

... Petitioner

/vs/

- 1.The Commissioner,
Hindu Religious and Charitable Endowments Department,
119, Uthamar Gandhi Salai, Thousand Lights West,
Nungambakkam,
Chennai, Tamil Nadu 600 034.
 - 2.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Old No.11, New No.20, AK Thangavelar Street,
Kancheepuram 631 501.
 - 3.The Executive Officer – Mr.Velaichamy,
Sri Adhikesava Perumal and Bashyakara Swamy Devasthanam,
Sriperumbudur.
- ... Respondents

Writ Petition is filed under Article 226 of the Constitution of India
to issue a writ of mandamus to forbear the 3rd respondent Executive officer
of Sri Adhikesava Perumal and Bashyakara Swamy Devasthanam,



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Sriperumbudur from in any way proceedings further illegally and without jurisdiction with the advertisement dated 7.7.2021 to fill up the alleged vacancies in the temple for the posts of (a) Dasanambi (b) Damaram (c) thuppuravu.

For Petitioner ... Mr.J.Srinivasa Mohan

For Respondents ... Mr.K.Karthikeyan
Government Advocate (HR & CE)
for R1 and R2

M/s.A.S.Kailasam & Associates for R3

ORDER

Heard Mr.J.Srinivasa Mohan, the learned counsel for the petitioner, Mr.K.Karthikeyan, the learned Government Advocate for R1 and R2 and Mr.A.S.Kailasam for R3.

2. The petitioner who claims himself as religious Dharmakarthha of Sri Adhikesava Perumal and Bashyakara Swamy Devasthanam has filed this writ petition seeking a writ of mandamus forbearing the third respondent from in any way proceeding with the advertisements for filing



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up vacancies in the temple as he did not have any jurisdiction to do the same.

3. Mr.J.Srinivasa Mohan, the learned counsel for the petitioner, submitted that the Dharmakarthas are responsible for all activities pertaining towards the temple including the staff recruitment as per the scheme decree passed in this regard on 03.01.1923 in O.S.No.30/1921 on the file of the Sub Court, Chengalpattu; as per the scheme decree the Dharmakarthas have the power of a Head of an office in the matters of appointment, granting leave, fining, suspending, dismissing and exercising all acts of discipline and control over the staff / employees.

4. Clause 59 and 65 of the Scheme Decree reads as under:

“ 59. The salaried establishment in the Devasthanam office except the sarishtadar where one is appointed by court shall be appointed by respective Dharmakarthas under whose control they are and shall hold office during the pleasure of the Dharmakarthas.

65. As regards all persons other than Mirasi office holders the Dharmakarthas shall generally have all the powers ordinarily



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pertaining to the head of an office. They shall have all powers in the matter of appointment, granting leave, fining, suspending, dismissing and exercising all acts of discipline and control. Fines as levied shall not exceed 25% of a month's pay.”

5. However, it is learnt that during the pendency of this writ petition, a fresh resolution has been passed by both Dharmakarthas for filling up the vacancies of certain post on the said temple and the same has been sent to the Government for approval. In such case no further proceedings can be done in pursuant to the earlier notification issued by the third respondent and the prayer sought in this writ petition itself has become infructuous.

6. Accordingly, this Writ Petition is closed. No costs. Connected miscellaneous petition is closed.

13.03.2024

Index: Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No

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R.N.MANJULA ,J.

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