



W.A.(MD)No.542 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : **28.02.2024**

CORAM:

THE HONOURABLE MRS.JUSTICE **V.BHAVANI SUBBAROYAN**
AND
THE HONOURABLE MR.JUSTICE **K.K.RAMAKRISHNAN**

W.A.(MD)No.542 of 2017
and
C.M.P(MD)No.4550 of 2017

Surendran : Appellant/Petitioner

Vs.

- 1.The Commissioner,
Hindu Religious and Charitable
Endowment Department,
Chennai – 600 034.
- 2.The Regional Joint Commissioner,
Hindu Religious and Charitable
Endowment Administration Department,
Trichy.
- 3.The Fit Person / Joint Commissioner,
Executive Officer,
Arulmigu Mariamman Thirukkivil,
Samayapuram,
Trichy District.

: Respondents/Respondents

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent to set aside the order dated 03.04.2017 passed in W.P.(MD) No.25084 of 2016.



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For Appellant : Mr.R.Subramanian
For Respondents : Mr.A.K.Manikkam
Spl. Govt. Pleader for R1 and R2
Mr.K.Govindarajan for R3

JUDGMENT

(Judgment of the Court was delivered by **V.BHAVANI SUBBAROYAN, J.**)

The appellant/writ petitioner has filed the writ petition to quash the impugned notice dated 01.12.2016 issued by the third respondent and published in the Dina Thanthi Newspaper on 02.12.2016, wherein, the third respondent had invited the applications from the eligible candidates for the post of Mahout of Temple Elephant and Assistant Elephant Mahout for the temple Elephant.

2.The case of the appellant/writ petitioner is that he was appointed as Assistant Elephant Mahout on daily wages with effect from 20.04.2005. The first respondent approved the creation of new post of Assistant Elephant Mahout only on 17.12.2008 and the said post was created with effect from 02.03.2009. The petitioner's service was not regularised, despite the fact that he had completed 5 years of service as on 31.07.2014. Hence, he had filed a



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writ petition earlier and the Writ Court had also passed an order directing the respondents to consider the petitioner's representation on merits. However, the 3rd respondent initiated the disciplinary proceedings against the petitioner on the ground that he approached this Court and obtained the order by manipulating the records. After enquiry, the petitioner was dismissed from service by order dated 14.09.2016. Hence, he filed an appeal and the same is pending. In the meanwhile, the 3rd respondent has published the impugned advertisement. Hence, he filed the writ petition. The Writ Court, has dismissed the writ petition on the ground that the petitioner has no *locus standi* to question the impugned notification because he is only a dismissed employee. Challenging the same, he filed the present writ appeal.

3. When the matter is taken up for hearing today, it is represented by the learned counsel for the third respondent/Temple that the Temple Elephant was removed by the Forest Department and now, the said Elephant is in custody of the Forest Department. At present, there is no Elephant in the third respondent Temple. Hence, there is no question of appointment to the post of Mahout of Temple Elephant and Assistant Elephant Mahout.



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4. In view of the above, we are of the view that the prayer sought for in this writ appeal has become infructuous. Hence, this Writ Appeal is dismissed as infructuous. No costs. Consequently, connected miscellaneous petition is closed.

[V.B.S.,J.] [K.K.R.K.,J.]

skn

28.02.2024

NCC : Yes/No

Index : Yes / No

Internet : Yes

To

1.The Commissioner,
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