



W.P. No. 22142 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.04.2025

CORAM

THE HON'BLE Ms. JUSTICE R.N.MANJULA

W.P. No. 22142 of 2019

and

W.M.P. No. 28419 of 2019

P.Muthurama Subbiah

... Petitioner

-VS-

1. The Secretary to Government
Tourism, Cultural and Endowment Department
Secretariat, Chennai-600009.
2. The Commissioner
Hindu Religious and Charitable Endowment Board
Nungambakkam, Chennai-600034.
3. The Joint Commissioner
Hindu Religious and Charitable Endowment Board
Tirunelveli, Tirunelveli District.
4. Pon Swaminathan
The Deputy Commissioner / Executive Officer
Arulmigu Sankaranarayana Swamy Thirukovil
Sankarankovil – 627756
Tirunelveli District.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the respondents 1 and 2 herein to take action against the fourth respondent for making illegal appointments made by him in the Sankaranarayana Swamy Thirukoil, Sankarankovil, and to cancel the appointment and fill up the post by strictly



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following the Rules and Regulations of the HR & CE Act, by giving advertisement in the newspaper within a time frame.

For Petitioner : Mr.L.Chandrakumar

For Respondents : Mr.K.Karthikeyan, GA (HR&CE)

ORDER

This writ petition has been filed seeking direction to the first and second respondents herein to take action against the fourth respondent for making illegal appointments in Sankaranarayana Swamy Thirukoil, Sankarankovil, and to cancel the appointment and fill up the post by strictly following the Rules and Regulations of the Hindu Religious and Charitable Endowment Act, 1959, by giving advertisement in Newspaper.

2. Heard Mr.L.Chandrakumar, learned counsel for the petitioner and Mr.K.Karthikeyan, learned Government Advocate (HR & CE) for the respondents and perused the materials placed on record, apart from the pleadings of the parties.

3. The petitioner, who is a graduate, has filed this writ petition stating that some of the vacancies in the fourth respondent temple have been filled by



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violating the rules. As the petitioner came to know about the vacancy, he has applied for the post of Junior Assistant on 28.09.2017. After one year, he received a letter on 18.12.2018 from the fourth respondent stating that he can apply to the post only when the announcement is made by the Temple calling for applications to the said post.

4. The fourth respondent has already appointed certain persons without giving any announcement in the Newspaper calling for applications. Those appointments have been made after the resolutions are passed by the Thakkar of the Temple to fill up the said post. As per the rules, the resolution passed by the Thakkar should be sent to the second respondent for prior approval. But without obtaining the prior approval, the fourth respondent has filled the post against the rules and regulations. So, the petitioner has challenged all those appointments made by the fourth respondent during his tenure without obtaining the approval from the second respondent.

5. So, according to the petitioner, it is the fourth respondent, viz., Pon Swaminathan, who had filled up vacancies without following the rules. The petitioner has sent a legal notice to the fourth respondent for which the fourth respondent has sent a reply stating that with regard to the temporary vacancy of



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the daily wages, there is no need to get prior approval or sanction of the second respondent. As the similar action made by the predecessor of the fourth respondent has resulted in disciplinary action, the petitioner has filed this writ petition.

6. In the counter of the fourth respondent, it is submitted that the petitioner's application requesting to consider him for the permanent post of Junior Assistant was rejected by the then Deputy Commissioner / Executive Officer of the Temple on the ground that there is a specific bar to fill up the permanent vacancy on the date of the application. As per the orders passed by the Hon'ble Division Bench of this Court in W.A. (MD) No. 491 of 2013, no appointment should be made in the permanent post under Section 55 of Hindu Religious and Charitable Endowments Department Act, till the rules are framed. In the same order, it is observed that if Temple requires any last grade servants for the day to day administration, then the Executive Officer of Temple after getting permission from the Commissioner, Hindu Religious and Charitable Endowments Department can hire any persons for the said works on a daily wage basis. Accordingly, the then Executive Officer of the Temple after the resolution passed to that effect by the Fit Person, sent the same to the Commissioner and sought permission. All the temporary employees mentioned



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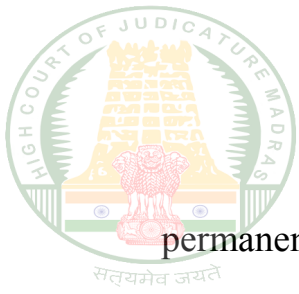
in the writ petition have been terminated from service on 09.05.2019. Hence,

the apprehension of the petitioner that the appointments were made by the Deputy Commissioner /Executive Officer with an intent to make them permanent is ill founded, and does not exist.

7. The action taken against Pugazhendran, Joint Commissioner is entirely different from the facts of this case. As the action has been taken by the Joint Commissioner in this case only in pursuant to the liberty given and direction issued by the Court, the same cannot be questioned.

8. The petitioner, who is the third party, has filed a petition seeking direction to initiate action against the fourth respondent without even knowing who was the Officer-in-charge of the affair by mentioning the name of the fourth respondent as Pon Swaminathan. After coming to know that he is not the person, who is occupying the seat of the Deputy Commissioner / Executive Officer, he had come out with an amendment application seeking to amend the name of the fourth respondent.

9. The petition filed by the petitioner itself is misconceived in view of the fact that he presumed that the appointments made by the fourth respondent are



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permanent in nature. As the rules are yet to be framed, the fourth respondent is

at liberty to fill up the post by appointing contingent staff. Even if there is omission or commission on the part of the fourth respondent, the aggrieved persons could have made complaints to the next level officers to take cognizance of the matter. The petitioner has approached this Court without even giving any complaints to the first to third respondents. A kind of public interest litigation is filed in the form of service petition, which itself is not maintainable. As the petitioner has sought fancy relief on his own imagination, this writ petition is liable to be dismissed.

10. In the result, this writ petition is dismissed. Consequently, the connected Miscellaneous Petition is closed. No costs.

23.04.2025

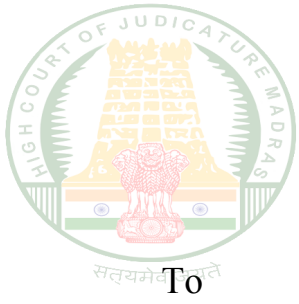
Index: Yes/No

Internet: Yes/No

Speaking /Non-speaking order

Neutral Case Citation: Yes/No

Maya



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To
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R.N.MANJULA, J.

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