



W.P.(MD)No.12104 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.10.2025

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THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.12104 of 2021

and

W.M.P.(MD)No.9508 of 2021

Manikandan

: Petitioner

Vs.

1.The Secretary to Government,
Tourism, Culture and Religious Endowments Department,
State of Tamil Nadu,
Fort St. George,
Chennai – 9.

2.The Commissioner,
Hindu Religious and Charitable Endowments,
119, Uthamar Gandhi Road,
Chennaai – 34.

3.The Additional Commissioner,
Hindu Religious and Charitable Endowments,
119, Uthamar Gandhi Road,
Chennaai – 34.



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4.The Assistant Commissioner,
Arulmigu Kallalagar Thirukoil,
Alagarkoil,
Melur Taluk,
Madurai District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for records relating to the portion of the Service Rules issued by the 1st respondent in G.O.Ms.No.114, Tourists, Culture and Religious Endowments Department dated 3.9.2020 fixing feeder category to the promotion of the posts of Driver as Cleaner or Record Clerk or Office Assistant or Conductor in Annexure – III, Class-I Senior Grade Temples, Group-C Technical Staff, Category – VI (1) and the consequent order passed by the 2nd respondent in his proceedings in O.Mu.No.23849/2020/Z1 dated 09.04.2021 signed by the third respondent and quash the same and consequent direct may be issued to the respondents to promote me as Driver in the available vacancy based on the recommendation of the fourth respondent in his proceedings in Na.Ka.No.608/2019/A5 dated 02.06.2020 within stipulated time.



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For Petitioner : Mr.T.A.Ebenezer
For Respondents 1 to 3 : Mr.P.Subbaraj
Special Government Pleader
For Respondent No.4 : Mr.S.Manohar,
Standing Counsel

ORDER

This Writ Petition has been filed challenging the impugned Service Rules issued by the first respondent dated 03.09.2020 and the consequential impugned order dated 09.04.2021 passed by the second respondent.

2.The petitioner claims that he has to be promoted to the post of Driver from the post of Cleaner. He also claims that the impugned Service Rules dated 03.09.2020 issued by the first respondent do not apply to him, since he has been working as a driver even prior to the issuance of the impugned Service Rules dated 03.09.2020. According to the petitioner, the impugned Service Rules dated 03.09.2020 issued by the first respondent do not have retrospective operation and it could be applied only prospectively.



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3.A counter affidavit has been filed by the respondents 1 to 3 stating that the petitioner is very sick and is suffering from various medical ailments, which is also confirmed through the medical report obtained by the respondents. Learned Standing Counsel appearing for the fourth respondent temple also reiterates the same in the course of the submissions made before this Court. He would also submit that the petitioner is unfit to be employed as driver and therefore, this Writ Petition is not maintainable.

4.Learned Counsel for the petitioner has also received instructions from the petitioner that the petitioner is very sick and is suffering from serious medical condition, which does not enable him to be employed as a driver with the respondents.

5.Since the petitioner is not in a position to act as a driver, this Court without going into the merits of the petitioner's contentions is closing this Writ Petition, in view of the fact that even if the prayer is granted, the petitioner due to his serious medical condition cannot act as a driver.



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6.Accordingly, this Writ Petition stands closed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

30.10.2025

Index :Yes / No
Internet : Yes / No
NCC : Yes/No
MR



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ABDUL QUDDHOSE., J.

MR

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