



WP(MD). No.7654 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 12/03/2026

CORAM

THE HON'BLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

WP(MD). No.7654 of 2023
and WMP(MD)Nos.7112 and 7120 of 2023

1. Lakshmanan P,
2. S.Muruganandam

... Petitioners

Vs

1. The Government of Tamil Nadu,
Tourism, Culture and Religious
Endowment (An.4-1) Department, Rep. by
its Secretary, Fort St. George,
Chennai- 600009..

2. The Commissioner,
Hindu Religious and Charitable
Endowment Department, Uthamar Gandhi
Salai, Nungambakkam, Chennai-600006..

3. The Joint Commissioner / Executive Officer,
Arulmigu Dhandayathapaniswamy Thirukoil, Palani,
Dindigul District..

4. The Board of Trustees,
Arulmigu Dhandayathapaniswamy Thirukoil,
Palani, Dindigul District.

... Respondents



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PRAYER:-Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records culminating in the impugned notification of the third and fourth respondents dated 01.03.2023 made in Na.Ka.No.4374/2022/A1 and to quash the same in so far as the two posts of Assistant Cook in S.I.No.6 as well as clause (16) of the notification and consequently direct the 3rd and 4th respondents to regularise the petitioners in the two posts of Assistant Cook as per the proceedings of 1st respondent dated 20.04.2020 made in Na.Ka.No.52261/2012/I1.

For Petitioners : M/s.Gopinath.R
For R1 & R2 : Mr.JK.Jeyaselan,
Government Advocate
For R3 : Mr.R.Murali

ORDER

This writ petition is filed challenging the notification issued by the third respondent in Na.Ka.No.4374/2022/A1 dated 01.03.2023 so far as the post of the Assistant Cook is concerned and insofar as clauses - (16) of the said notification disqualifying the persons, who have filed litigation against the third respondent Temple is concerned and also sought for a consequential direction to the fourth respondent to regularise the services of the petitioners in the post of Assistant Cook.



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2. As per the proceedings bearing No. Na.Ka.No. 52261/2012/I1 dated 20.04.2020 insofar as the claim of the petitioner for regularisation in the post of Assistant Cook is concerned, an identical claim made by the petitioners by filing WP(MD)No.275 of 2016 on an earlier occasion was negated by this Court by an order dated 05.09.2022. Therefore, the petitioners herein are not entitled to agitate the very same issue once again before this Court.

3. Insofar as the restriction imposed in clause-(16) making the candidates, who have filed litigation against the third respondent Temple, ineligible to participate in the recruitment process is concerned, on the face of it, the same appears to be absurd, arbitrary and violation of Articles 14 and 16 of the Constitution of India. Any person approaching the court of law to agitate his/her rights cannot be said to be a disqualified person under any circumstances. The said limb of clause-(16) in the notification dated 01.03.2023 is under challenge.



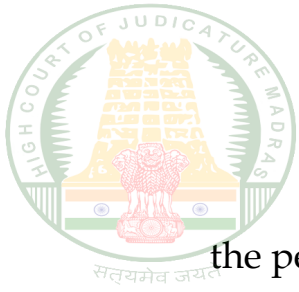
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4. While entertaining this writ petition, this Court granted an order of interim stay insofar as the post of Assistant Cook and the recruitment is still not completed because of the stay granted by this court. Though the third respondent has filed a detailed counter affidavit, absolutely, there is no justification made to sustain the first limb of clause-(16) of the notification.

5. In the considered view of this Court, any such condition preventing the eligible persons who are otherwise eligible to participate in the recruitment process solely on the ground that they have on an earlier occasion initiated some litigation against the employer cannot be sustained.

6. In such Circumstances, the clause-(16) of the impugned Notification dated 01.03.2023 to the extent of making the persons who have initiated litigation against the Temple as ineligible to participate in the recruitment process is hereby quashed. During the course of hearing, it is brought to the notice of this court that



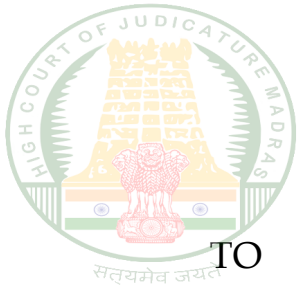
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the petitioners are allowed to submit their applications for the post of Assistant Cook in response to the notification in question and the same are pending along with other applications received in response to the said notification.

7. In the light of the above, this writ petition is partly allowed directing the respondents 3 and 4 to allow the petitioners to participate in the recruitment process for the post of Assistant Cook notified under the Notification dated 01.03.2023 and to consider their cases on par with other eligible candidates and conclude the recruitment process. No costs. Consequently, connected miscellaneous petitions are closed.

12.03.2026

Index : Yes/No
Internet : Yes/No
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MUMMINENI SUDHEER KUMAR,J

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IN
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