



2026:KER:36274

W.P(C).No.13541/2013 and connected cases

1

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

&

THE HONOURABLE MR.JUSTICE K. V. JAYAKUMAR

TUESDAY, THE 26TH DAY OF MAY 2026 / 5TH JYAISHTA, 1948

WP (C) NO. 13541 OF 2013

PETITIONERS:

- 1 MR. M.C.KUNHUNNI RAJA
AGED 89 YEARS
S/O.M.C.KUNJIKAVU THAMPURATTY, 105,
SRI.RANJINI APPARTMENTS, PHASE IV, J.P. NAGAR,
BANNARGHATTA ROAD, BANGLORE-560 076.
- *2 MR. A.C.VENUGOPALA RAJA,
AGED 86 YEARS
SON OF KUTTICHERIAMMA THAMBURATTY, DEVI PADOM,
VADAKKE NADA, ANGADI PURAM MALAPPURAM DISTRICT. (DIED)

SECOND ADDL. PETITIONER K.C.JANARDHANAN RAJA,
AGED 84 YEARS, S/O. LATE PARAMESWARAN BATTATHIRAPPAD,
PERMANENTLY RESIDING AT - KADANNAMANNA KOVILAKOM,
POST KADNNAMANNA, MALAPPURAM DISTRICT.

[THE FACT OF DEATH OF 2ND PETITIONER IS RECORDED AND
THE PETITIONER HEREIN IS SUBSTITUTED IN PLACE OF THE
DECEASED ORIGINAL 2ND PETITIONER AS PER THE ORDER DATED
12.06.2018 IN I.A.8727/2018.]

(DEATH RECORDED AND SUBSTITUTED)

SUBSTITUTED, M.C. SREEDHARA VARMA RAJA, SON OF M.C.
KUTTI THAMPURATTY, AGED 86 YEARS, TRUSTEE,
SREE THIRUMADHAMKUNNU BHAGAVATHY DEVASWOM,
ANGADIPPURAM, NOW RESIDING AT 2/B, ACE SILVER SPRING



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W.P(C).No.13541/2013 and connected cases

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RES PARK, KACHERIKUNNU, MANKAVE, CALICUT-673 007.

[SUBSTITUTED IN PLACE OF THE PETITIONER TRUSTEE AS PER THE ORDER DATED 23.03.2021 IN I.A.NO.1/2021 IN WP(C) 13541/2013.]

BY ADVS.
SRI.K.RAMAKUMAR (SR.)
SRI.S.M.PRASANTH
SMT.ASHA BABU
SMT.ASWINI SANKAR R.S.
SHRI.G.RENJITH
SRI.T.H.ARAVIND
SHRI.T.RAMPRASAD UNNI

RESPONDENTS:

- 1 THE COMMISSIONER, MALABAR DEVASWOM BOARD
MALABAR DEVASWOM BOARD, KOZHIKODE-673 001.
- 2 THE MALABAR DEVASWOM BOARD
REPRESENTED BY ITS SECRETARY, KOZHIKODE-673 001.
- 3 SRI.C.C.DINESH
EXECUTIVE OFFICER, THIRUMANDHAMKUNNU BHAGAVATHY
TEMPLE ANGADIPPURAM, MALAPPURAM DISTRICT-679321
(INSPECTOR, MALABAR DEVASWOM BOARD, PERINTHALMANNA,
MALAPPURAM DISTRICT).

BY ADVS.
SHRI.R.LAKSHMI NARAYAN, SC, MALABAR DEVASWOM BOARD
SMT.R.RANJANIE, SC, MALABAR DEVASWOM BOARD
SRI.MAHESH V RAMAKRISHNAN
SRI.S.RENJITH
SRI.V.KRISHNA MENON, SC, MALABAR DEVASWOM BOARD
SRI.PARTHASARATHY.B, SC, MALABAR DEVASWOM BOARD
SRI.MAHESH V.RAMAKRISHNAN, SC, MALABAR DEVASWOM BOARD

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 26.05.2026, ALONG WITH WP(C) NO.13495/2022 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:



2026:KER:36274

W.P(C).No.13541/2013 and connected cases

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

&

THE HONOURABLE MR.JUSTICE K. V. JAYAKUMAR

TUESDAY, THE 26TH DAY OF MAY 2026 / 5TH JYAISHTA, 1948

WP(C) NO. 13495 OF 2022

PETITIONERS:

- 1 R.BHASKARAN,
AGED 46 YEARS
S/O.GOPALAKRISHNAN NAIR, RAMACHATH HOUSE,
ERANTHOD, VALAMBOOR P.O., ANGADIPURAM,
MALAPPURAM DISTRICT, PIN-679 325,
(ULTHURAL VADHYAM, THIRUMADHAMKUNNU BHAGAVATHY
DEVASWOM, ANGADIPPURAM, MALAPPURAM DISTRICT).
- 2 M.P.SANTHOSH,
ULTHURAI VADHYAM, THIRUMADHAMKUNNU BHAGAVATHY
DEVASWOM, ANGADIPPURAM, MALAPPURAM DISTRICT.
- *3 P.M.VENUGOPALA MARAR,
EDAKA VADHYAM, THIRUMADHAMKUNNU BHAGAVATHY DEVASWOM,
ANGADIPPURAM, MALAPPURAM DISTRICT. [DELETED]

[THE NAME AND ADDRESS OF THE PETITIONER NO.3 DELETED
FROM THE PARTY ARRAY AS PER ORDER DATED 20-08-2025 IN
IA 1/2025 IN WPC 13495/2022]

BY ADVS.
SHRI.GAJENDRA SINGH RAJPUROHIT
SMT.A.V.INDIRA

RESPONDENTS:

- 1 STATE OF KERALA,
REPRESENTED BY THE PRINCIPAL SECRETARY, DEPARTMENT OF
WELFARE OF SCHEDULED CASTE & SCHEDULED TRIBES &
DEVASWOM, PALAYAM, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM P.O., PIN-695 001.
- 2 THE COMMISSIONER, MALABAR DEVASWOM BOARD,
OFFICE OF THE COMMISSIONER, MALABAR DEVASWOM
BOARD, HOUSEFED COMPLEX, ERANHIPPALAM P.O.,
KOZHIKODE-673 006.
- 3 MALABAR DEVASWOM BOARD,
REPRESENTED BY ITS SECRETARY, OFFICE OF THE
COMMISSIONER, MALABAR DEVASWOM BOARD, HOUSEFED COMPLEX,
ERANHIPPALAM P.O., KOZHIKODE-673 006.
- 4 THIRUMANDHAMKUNNU BHAGAVATHY DEVASWOM,
REPRESENTED BY ITS SECRETARY, POST BOX NO.5,
ANGADIPPURAM P.O., MALAPPURAM DISTRICT-679 321.
- 5 THE EXECUTIVE OFFICER,
THIRUMANDHAMKUNNU BHAGAVATHY DEVASWOM, POST BOX NO.5,
ANGADIPPURAM P.O., MALAPPURAM DISTRICT-679 321.
- 6 THE EXECUTIVE OFFICER,
THIRUMANDHAMKUNNU BHAGAVATHY DEVASWOM,
ANGADIPPURAM, MALAPPURAM DISTRICT-679 321.

BY ADV.

SMT.R.RANJANIE, SC, MALABAR DEVASWOM BOARD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
26.05.2026, ALONG WITH WP(C).13541/2013 AND CONNECTED CASES, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:



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W.P(C).No.13541/2013 and connected cases

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

&

THE HONOURABLE MR. JUSTICE K. V. JAYAKUMAR

TUESDAY, THE 26TH DAY OF MAY 2026 / 5TH JYAISHTA, 1948

DBP NO. 89 OF 2017

PETITIONERS:

- 1 A. RAJESH
ARANGATHU VEEDU, VALAMBOOR P. O.,
ANGADIPPURAM
- 2 B. RATHEESH
BAGAVATHY KULAM, VALAMBOOR P. O.,
ANGADIPPURAM
- 3 K. RAJAN
KILIYIL, THIROORKADU P. O.,
ANGADIPPURAM

RESPONDENTS:

- 1 DEVASWOM COMMISSIONER MALABAR DEVASWOM
KOZHIKODE - 673006
- 2 ASSISTANT DEVASWOM COMMISSIONER
MALABAR DEVASWOM BOARD,
MALAPPURAM
- 3 STATE OF KERALA
REPRESENTED BY ITS CHIEF SECRETARY,



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6

THIRUVANANTHAPURAM

4 DEPUTY DIRECTOR
MALABAR DEVASWOM AUDIT OFFICE

*5 TRUSTEE, SREE THIROORKADU KUNNU BHAGAVATHY TEMPLE
ANGADIPPURAM, MALAPPURAM

[ADDL. R5 IS SUO MOTO IMPEADED AS PER ORDER DATED
14.12.2017 IN DBP 89/2017]

*6 M.C.KUNHUNNI RAJA 105, SREERANJINI APARTMENTS
AGED 40 YEARS, J.P.NAGAR, PHASE IV, BILEKAHALLI,
OFF BANNARGHATTA ROAD, BANGALORE - 560076

*7 K.C.JANARDHANA RAJA
KADANNAMANNA KOVILAKAM, KADANNAMANNA,
MALAPPURAM DISTRICT

[ADDL.R6 & R7 ARE IMPEADED AS PER ORDER DATED
07.01.2019 IN I.A. NO.1612/2018 IN DBP NO. 89/2017]

BY ADVS.

SHRI.R.LAKSHMI NARAYAN, SC, MALABAR DEVASWOM BOARD
GOVERNMENT PLEADER

SRI.S.M.PRASANTH

SHRI.P.VIJAYAKUMAR

SRI.MAHESH V.RAMAKRISHNAN, SC, MALABAR DEVASWOM BOARD

SMT.R.RANJANIE, SC, MALABAR DEVASWOM BOARD

THIS DEVASWOM BOARD PETITION HAVING COME UP FOR ADMISSION ON
26.05.2026, ALONG WITH WP(C).13541/2013 AND CONNECTED CASES, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:



2026:KER:36274

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

&

THE HONOURABLE MR. JUSTICE K. V. JAYAKUMAR

TUESDAY, THE 26TH DAY OF MAY 2026 / 5TH JYAISHTA, 1948

WP (C) NO. 12598 OF 2020

PETITIONERS:

- 1 RAJESH K.
ATTENDER, THIRUMADHAMKUNNU BHAGAVATHY DEVASWOM,
ANGADIPPURAM, MALAPPURAM DISTRICT.
- *2 JITHESH K.
ATTENDER, THIRUMADHAMKUNNU BHAGAVATHY DEVASWOM,
ANGADIPPURAM, MALAPPURAM DISTRICT. [DELETED]
- 3 VISHNU K.
TEMPLE SUPERVISOR, THIRUMADHAMKUNNU BHAGAVATHY
DEVASWOM, ANGADIPPURAM, MALAPPURAM DISTRICT.
- 4 JISHNU K.
CLERK, THIRUMADHAMKUNNU BHAGAVATHY DEVASWOM,
ANGADIPPURAM, MALAPPURAM DISTRICT.
- 5 VISWANATHAN.P
PUBLIC RELATION OFFICER, THIRUMADHAMKUNNU BHAGAVATHY
DEVASWOM, ANGADIPPURAM, MALAPPURAM DISTRICT
- 6 P. VINU
ATTENDER, THIRUMADHAMKUNNU BHAGAVATHY DEVASWOM,
ANGADIPPURAM, MALAPPURAM DISTRICT



- 7 M.K.BIJESH
CLERK, THIRUMADHAMKUNNU BHAGAVATHY DEVASWOM,
ANGADIPPURAM, MALAPPURAM DISTRICT
- *8 M.SREEDEVI
SWEEPER (CLEANER), THIRUMADHAMKUNNU BHAGAVATHY
DEVASWOM, ANGADIPPURAM, MALAPPURAM DISTRICT. [DELETED]
- 9 P.V.CHANDRIKA
KAZHAKAM (GARLAND), THIRUMADHAMKUNNU BHAGAVATHY
DEVASWOM, ANGADIPPURAM, MALAPPURAM DISTRICT.
- *10 R.BHASKARAN
ULTHURA VADHYAM, THIRUMADHAMKUNNU BHAGAVATHY DEVASWOM,
ANGADIPPURAM, MALAPPURAM DISTRICT. [DELETED]
- *11 M.P.SANTHOSH
ULTHURA VADHYAM, THIRUMADHAMKUNNU BHAGAVATHY DEVASWOM,
ANGADIPPURAM, MALAPPURAM DISTRICT. [DELETED]
- *12 P.M.VENUGOPALA MARAR,
EDAKKA VADHYAM, THIRUMADHAMKUNNU BHAGAVATHY DEVASWOM,
ANGADIPPURAM, MALAPPURAM DISTRICT. [DELETED]
- [PETITIONER NOS.2,10,11 & 12 ARE DELETED FROM THE PARTY
ARRAY AS PER ORDER DATED 15.02.2022 IN I.A.1/2022 IN
WP(C)12598/2020]
- 13 K.VIMALA,
SWEEPER (CLEANER) KEEZHEDOM TEMPLE, THIRUMADHAMKUNNU
BHAGAVATHY DEVASWOM, ANGADIPPURAM, MALAPPURAM DISTRICT.
- 14 P.C.ARAVINDAKSHAN
ATTENDER, THIRUMADHAMKUNNU BHAGAVATHY DEVASWOM,
ANGADIPPURAM, MALAPPURAM DISTRICT.
- 15 A.PRAJESH
ATTENDER, THIRUMADHAMKUNNU BHAGAVATHY DEVASWOM,
ANGADIPPURAM, MALAPPURAM DISTRICT.
- 16 LAKSHMIDEVI



CLEANING (SWEEPER), THIRUMADHAMKUNNU BHAGAVATHY
DEVASWOM, ANGADIPPURAM, MALAPPURAM DISTRICT.

- *17 M.DILEEP
PLANT OPERATOR, THIRUMADHAMKUNNU BHAGAVATHY DEVASWOM,
ANGADIPPURAM, MALAPPURAM DISTRICT. [DELETED]
- 18 K.K.MURALEEKRISHNAN
ATTENDER, THIRUMADHAMKUNNU BHAGAVATHY DEVASWOM,
ANGADIPPURAM, MALAPPURAM DISTRICT.
- 19 KALYANI
CLEANING (SWEEPER), THIRUMADHAMKUNNU BHAGAVATHY
DEVASWOM, ANGADIPPURAM, MALAPPURAM DISTRICT
- *20 V.INDIRADEVI
CLEANING (SWEEPER), THIRUMADHAMKUNNU BHAGAVATHY
DEVASWOM, ANGADIPPURAM, MALAPPURAM DISTRICT. [DELETED]
- 21 AJITHKUMAR
ATTENDER, THIRUMADHAMKUNNU BHAGAVATHY DEVASWOM,
ANGADIPPURAM, MALAPPURAM DISTRICT.
- 22 N.AJAY.VEDI/ATTENDER,
THIRUMADHAMKUNNU BHAGAVATHY DEVASWOM, ANGADIPURAM,
MALAPPURAM DISTRICT.
- *23 N.K.RAJESH
DRIVER/ATTENDER, THIRUMADHAMKUNNU BHAGAVATHY DEVASWOM,
ANGADIPPURAM, MALAPPURAM DISTRICT. [DELETED]
- [PETITIONER NOS.17 AND 23 ARE DELETED FROM THE PARTY
ARRAY AS PER ORDER DATED 28.09.2021 IN I.A.8/2020 IN
WP(C)12598/2020.]
- 24 K.VIJAYAKUMAR
ATTENDER, THIRUMADHAMKUNNU BHAGAVATHY DEVASWOM,
ANGADIPPURAM, MALAPPURAM DISTRICT.
- *25 YESODHA
CLEANING (SWEEPER), THIRUMADHAMKUNNU BHAGAVATHY



DEVASWOM, ANGADIPPURAM, MALAPPURAM DISTRICT. [DELETED]

- 26 P.M.DAMODARAN NAMBOODIRI
MELSANTHI, THIRUMADHAMKUNNU BHAGAVATHY DEVASWOM,
ANGADIPPURAM, MALAPPURAM DISTRICT.
- *27 K.C.SUMATHY
SWEEPER (CLEANER), THIRUMADHAMKUNNU BHAGAVATHY DEVASWOM,
ANGADIPPURAM, MALAPPURAM DISTRICT. [DELETED]

[PETITIONERS 8, 20, 25 AND 27 ARE DELETED FROM THE
PARTY ARRAY AS PER ORDER DATED 11.11.2021 IN I.A.3/2021
IN WP(C)12598/2020]

- 28 A.C.KRISHNAKUMAR,
AUDIT ASSISTANT, THIRUMADHAMKUNNU BHAGAVATHY
DEVASWOM, ANGADIPPURAM, MALAPPURAM DISTRICT.
- 29 K.BIJU
ATTENDER, THIRUMADHAMKUNNU BHAGAVATHY DEVASWOM,
ANGADIPPURAM, MALAPPURAM DISTRICT.

BY ADVS.
SRI.K.S.ARUN KUMAR
SMT.RAJI T.BHASKAR
SHRI.VIJAY SANKAR V.H.
SMT.AMRUTHA K P

RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY THE PRINCIPAL SECRETARY TO GOVERNMENT,
DEPARTMENT OF REVENUE (DEVASWOM), GOVERNMENT OF KERALA,
THIRUVANANTHAPURAM-695001
- 2 THE COMMISSIONER
MALABAR DEVASWOM BOARD, OFFICE OF THE COMMISSIONER
OF THE MALABAR DEVASWOM BOARD, KOZHIKODE-673020
- 3 THE MALABAR DEVASWOM BOARD



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W.P(C).No.13541/2013 and connected cases

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OFFICE OF THE COMMISSIONER OF THE MALABAR DEVASWOM
BOARD, KOZHIKODE-673020 REPRESENTED BY ITS SECRETRY

4 THE THIRUMANDHAMKUNNU BHAGAVATHY DEVASWOM,
ANGADIPPURAM, MALAPPURAM DISTRICT-679321
REPRESENTED BY ITS TRUSTEE

5 THE EXECUTIVE OFFICER,
THIRUMADHAMKUNNU BHAGAVATHY DEVASWOM, ANGADIPPURAM,
MALAPPURAM DISTRICT-679321

BY ADVS.

SHRI.R.LAKSHMI NARAYAN, SC, MALABAR DEVASWOM BOARD

SHRI.K.G.RAJEESH

SRI.MAHESH V RAMAKRISHNAN

SMT.R.RANJANIE, SC, MALABAR DEVASWOM BOARD

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
26.05.2026, ALONG WITH WP(C).13541/2013 AND CONNECTED CASES, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:



2026:KER:36274

W.P(C).No.13541/2013 and connected cases

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

&

THE HONOURABLE MR. JUSTICE K. V. JAYAKUMAR

TUESDAY, THE 26TH DAY OF MAY 2026 / 5TH JYAISHTA, 1948

WP(C) NO. 23487 OF 2021

PETITIONERS:

- 1 M. DILEEP
AGED 39 YEARS
S/O. GOPALAN M., RESIDING AT MADATHIL HOUSE,
CHEMMANIYODE P. O., MALAPPURAM DISTRICT.
- 2 N. K. RAJESH
S/O. LATE BALAN, NADUKANDI HOUSE, MARINGATH,
ANGADIPPURAM P. O., MALAPPURAM DISTRICT.

BY ADV.
SRI.P.K.BABU

RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY THE PRINCIPAL SECRETARY TO
GOVERNMENT, DEPARTMENT OF REVENUE, (DEVASWOM),
THIRUVANANTHAPURAM - 695 001.



- 2 THE COMMISSIONER
MALABAR DEVASWOM BOARD, OFFICE OF THE COMMISSIONER OF
THE MALABAR DEVASWOM BOARD, KOZHIKODE - 673020.

- 3 THE MALABAR DEVASWOM BOARD
OFFICE OF THE COMMISSIONER OF THE MALABAR DEVASWOM
BOARD, KOZHIKODE - 673020, REPRESENTED BY ITS
SECRETARY.

- 4 THE THIRUMANDHAMKUNNU BHAGAVATHY DEVASWOM
ANGADIPPURAM, MALAPPURAM DISTRICT - 679 321.,
REPRESENTED BY ITS TRUSTEE.

- 5 THE EXECUTIVE OFFICER
THIRUMANDHAMKUNNU BHAGAVATHY DEVASWOM, ANGADIPPURAM,
MALAPPURAM DISTRICT - 679 321.

BY ADVS.
GOVERNMENT PLEADER
SMT.R.RANJANIE, SC, MALABAR DEVASWOM BOARD
SRI.K.G.RAJEESH
SRI.MAHESH V RAMAKRISHNAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
26.05.2026, ALONG WITH WP(C).13541/2013 AND CONNECTED CASES, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:



2026:KER:36274

W.P(C).No.13541/2013 and connected cases

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

&

THE HONOURABLE MR. JUSTICE K. V. JAYAKUMAR

TUESDAY, THE 26TH DAY OF MAY 2026 / 5TH JYAISHTA, 1948

WP (C) NO. 26462 OF 2021

PETITIONERS:

- 1 M. SREEDEVI
AGED 56 YEARS
D/O. GOVINDHAN NAIR, PREVIOUSLY WORKING AS SWEEPER
(CLEANER), THIRUMANDHAMKUNNU BHAGAVATHY DEVASWOM,
ANGADIPURAM, MALAPPURAM DISTRICT-679321, RESIDING AT
MUNDANCHERI HOUSE, ANGADIPURAM P.O., MALAPPURAM
DISTRICT-679321.
- 2 K.C.SUMATHY,
AGED 48 YEARS
D/O. AYYAPPAN, PREVIOUSLY WORKING AS SWEEPER (CLEANER),
THIRUMANDHAMKUNNU BHAGAVATHY DEVASWOM, ANGADIPURAM,
MALAPPURAM DISTRICT-679321, RESIDING AT
KALATHUMCHALAYKKAL HOUSE, VALABOOR P.O., ANGADIPURAM,
MALAPPURAM DISTRICT-679325.
- 3 V. INDIRADEVI,
AGED 57 YEARS
D/O. SIVASANKARAN, PREVIOUSLY WORKING AS CLEANING
(SWEEPER), THIRUMANDHAMKUNNU BHAGAVATHY DEVASWOM,
ANGADIPURAM, MALAPPURAM DISTRICT-679321, RESIDING AT
KILIGIL HOUSE, (ALPANGARA), ANGADIPURAM, MALAPPURAM
DISTRICT-679321.
- 4 YESODHA
AGED 47 YEARS
D/O. BALAN, WORKING AS CLEANING (SWEEPER),
THIRUMANDHAMKUNNU BHAGAVATHY DEVASWOM, ANGADIPURAM,



MALAPPURAM DISTRICT-679321, RESIDING AT THATHANAMPULLY
P.O., KULLUKKALLUR, PALAKKAD DISTRICT-679337.

BY ADVS.
SHRI.ANOOP V.NAIR
SRI.RAMESH CHAND
SMT.DEVI P.
SHRI.A.K.ANANDA KRISHNAN

RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY THE PRINCIPAL SECRETARY TO GOVERNMENT,
DEPARTMENT OF DEVASWOM, GOVERNMENT OF KERALA,
THIRUVANANTHAPURAM-695001.
- 2 THE COMMISSIONER, MALABAR DEVASWOM BOARD
OFFICE OF THE COMMISSIONER OF THE MALABAR DEVASWOM
BOARD, KOZHIKODE-673020.
- 3 THE MALABAR DEVASWOM BOARD
HOUSEFED COMPLEX, ERANHIPPALAM P.O., KOZHIKODE-673006,
REPRESENTED BY ITS SECRETARY.
- 4 THE THIRUMANDHAMKUNNU BHAGAVATHY DEVASWOM,
ANGADIPPURAM, MALAPPURAM DISTRICT-679321,
REPRESENTED BY ITS TRUSTEE.
- 5 THE EXECUTIVE OFFICER,
THIRUMANDHAMKUNNU BHAGAVATHY DEVASWOM,
ANGADIPPURAM, MALAPPURAM DISTRICT-679321

BY ADVS.
SMT.R.RANJANIE, SC, MALABAR DEVASWOM BOARD
SHRI.K.G.RAJEESH
SRI.MAHESH V RAMAKRISHNAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
26.05.2026, ALONG WITH WP(C).13541/2013 AND CONNECTED CASES, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**JUDGMENT****'CR'****W.P.(C) Nos. 13541 of 2013, 12598 of 2020, 23487 of 2021, 26462 of 2021, 13495 of 2022 & DBP No.89 of 2017****K. V. Jayakumar, J.**

All these writ petitions and DBP have been filed with respect to the administration of Sree Thirumandhamkunnu Bhagavathy Temple, Angadippuram, Malappuram ('the temple' for brevity). The said temple is a Hindu religious institution within the purview of the Madras Hindu Religious and Charitable Endowments Act, 1951 ('the Act' for brevity).

2. W.P.(C) No.13541/2013 was preferred by Sri.M.C. Kunhunni Raja, the hereditary Trustee of the temple and one Sri.A.C. Venugopal Raja, challenging the appointment of an Executive Officer by the Malabar Devaswom Board. Subsequently, the writ petition was amended as per the order in I.A. No.12612/2017.

3. The other writ petitions were filed by the employees of the temple. DBP No.89/2017 was registered *suo motu* on the basis of a complaint filed by some devotees alleging corruption and maladministration in the temple.

4. Since all the matters are connected with the administration of the temple, the appointment of the Executive Officer and the appointment of



employees of the said temple, all these matters are taken together and disposed of by a common judgment. W.P.(C) No.13541/2013 is taken as the leading case, and the parties and the exhibits are hereinafter referred to as shown in the said writ petition, unless otherwise specifically stated.

Brief facts and counter

W.P.(C) No.13541/2013

5. The administration of the temple is governed by Ext.P1 Scheme framed on 4th May, 1966 in O.A. No.15/1965. As per Ext.P1 Scheme, the administration of the affairs of the temple shall vest in the family of the hereditary trustee, who is the senior most male member of the 'Valluvanadu Swaroopam' comprising of four families, namely; the Aiyrnazhi Kovilakam, the Mankada Kovilakam, the Kadanamanna Kovilakam and the Aripa Kovilakam. The senior most male member assumes hereditary title of the 'Valluvanattukara Vallabha Valiya Raja' or 'Valluvakonathiri'.

6. The Valiya Raja is the hereditary trustee as per Ext.P1 Scheme. The 1st petitioner Sri. M.C. Kunhunni Raja is the 'Valluvanattukara Vallabha Valiya Raja' and thus the hereditary trustee of the temple.

7. It is stated in the writ petition that the first petitioner is presently residing in Bangalore, and therefore, the second petitioner, Sri.A.C. Venugopal



Raja is managing the affairs of the temple as Power-of-attorney holder of the 1st petitioner.

8. Sri. Bhanunni Raja, the predecessor-in-title of the 1st petitioner, died on 13.05.2013, and thus, the 1st petitioner became the hereditary trustee of the temple. The first petitioner executed Ext.P2 Power-of-attorney in favour of the 2nd petitioner Sri. Venugopal Raja. The factum of execution of Power-of-attorney was communicated to the 1st respondent, the Commissioner, Malabar Devaswom Board, as per Exts.P3 and P3(a) dated 21.05.2013 and 13.04.2013, respectively. The factum of assumption of charge by the 1st petitioner was intimated to the 1st respondent by Ext.P4 communication dated 15.05.2013.

9. It is further contended in the writ petition that Sri.C.Vinod Kumar took charge as the Executive Officer of the temple on the basis of an order bearing No.J5/2317/2013/MDB. The petitioners have produced Ext.P5, a true copy of the notice as per which the Executive Officer assumed charge.

10. According to the petitioners, by the appointment of the Executive Officer, the administration of the temple is divested from the 'Valluvanadu Swaroopam'. According to the petitioners, the appointment of the Executive Officer is illegal and ultra vires.



11. In the meanwhile, this Court had passed an order directing that the Executive Officer has already assumed charge and he will discharge the duties pending disposal of the writ petition. Sri. Surendra Kurup, the Executive Officer, who was appointed by the trustee, was discharging his duties satisfactorily. In the meanwhile, it is contended that, vide Ext.P6 order, the 2nd respondent, Malabar Devaswom Board, under the guise of the implementation of the interim order of this Court dated 31.07.2017 has removed the 2nd petitioner, Venugopal Raja, from the post of hereditary trustee.

12. It is in the said backdrop, W.P.(C) No.13541/2013 is preferred seeking the following reliefs :-

- "1) To declare and hold that the appointment of an Executive Officer at the Sree Thirumandhamkunnu Bhagavathy Temple by the 1st respondent on the alleged strength of an order bearing No.J5/2317/2013/MDB is illegal, arbitrary, unconstitutional and ultra vires.
- 2) To issue a Writ of Certiorari or any other appropriate writ or direction and call for the records leading to Ext.P5 and to quash the same as arbitrary, illegal, unlawful and unconstitutional.
- 3) To issue a Writ of Mandamus or other appropriate writ, direction or order and direct the 1st respondent to issue necessary and appropriate orders to restore the status quo ante qua Ext.P5.
- 3(a) To call for the records leading upto Exhibit P6 and quash the same by the issuance of a writ of Certiorari or any other appropriate writ, order or direction."

13. The 1st respondent, the Commissioner-Malabar Devaswom Board,



has placed on record a counter affidavit. It is contended that the Executive Officer, vide R1(a) order dated 25.05.2013, was appointed as a stop-gap arrangement in order to avoid standstill and vacuum in the administration of the temple. Sri. A.C. Bhanunni Raja, a hereditary trustee, expired on 13.05.2013. The 1st respondent received a letter dated 16.04.2013 from the President, Vallabha Kshema Samithi, stating that the 1st petitioner Sri. M.C.Kunhunni Raja has decided to appoint the 2nd petitioner as his power-of-attorney holder to carry out the administration of the temple. Subsequently, the Board received a letter dated 17.04.2013 stating that Sri. N.A. Krishna Kumar has assumed the charge of the temple. As per Ext.R1(c) communication dated 02.05.2013, has informed the trustee that only the trustee or his fit person or the Manager approved by the Board is competent to make correspondence in the temple matters.

14. It is further contended that the Commissioner has received several complaints and mass petitions about the illegal and the unauthorised actions of Sri. Bhanunni Raja and Krishna Kumar with a request to desist from appointing the said Krishna Kumar as fit person of the trustee. The 1st petitioner has sent Ext. R1(e) email dated 13.05.2013 stating that he is next in the line of succession to the trustee and he is prepared to take over the administration. It was further informed that he had given power-of-attorney to the 2nd petitioner Sri. A.C.



Venugopal Raja. Ext.R1(f) is the reply sent by the Commissioner to the 1st petitioner, stating that a fit person can be appointed only after taking charge as the trustee of the temple and the duties of the trustee cannot be entrusted to another person by way of a power-of-attorney.

15. By Ext. R1(g) letter, the power-of-attorney holder was also informed that the assumption of charge by him is illegal and directed the power-of-attorney holder to hand over the charge to the trustee or the fit person approved by the Board.

16. It is further stated in the counter that, if the trustee is unable to carry out the administration of the temple for any reason, he may duly propose the appointment of a fit person by submitting an application in that regard before the Deputy Commissioner. Ext.R1(a) order appointing Executive Officer under Section 20 of the Act is issued bona fide and intended to protect the best interests of the Devaswom and there is no ulterior motive.

17. The 1st respondent has also filed an additional counter after the amendment of the writ petition refuting the additional pleadings. It is denied that the 1st petitioner has been removed from the post of hereditary trustee. Pursuant to the interim order of this Court dated 31.07.2017, Sri. C.C. Dinesh took charge as Executive Officer of the temple on 01.08.2017. He is discharging the duties in accordance with the scheme. Further, Ext.P6 order was passed



consequent to the interim order of this Court dated 31.07.2017.

18. It is contended that Sri. Surendra Kurup who was appointed by the trustee has carried out the administration of the temple from 02.01.2012 to 30.07.2017 has conducted several works unauthorisedly contravening the provisions of the Act and Rules. Moreover, serious illegalities and irregularities were reported in the Audit Report for the year 2013. Further the administration of the temple was carried out through a power-of-attorney and transactions worth 1 crore are made without proper sanction.

19. It is further stated in the counter that certain appointments were made in the temple violating the orders of the Commissioner. Sri. Surendra Kurup was appointed on contract basis and subsequently approved with effect from 02.01.2013 has been given annual increment of Rs. 6000/- without any norms and specific sanction. The appointment of Manager requires approval from the Board as per the provisions of the scheme, but violating the provision Sri. Surendra Kurup had been continuing unlawfully and he had received Rs. 2,38,710/- towards his salary. The respondent has also produced R1(h) preliminary report dated 05.08.2017. Ext.R1(i) is the true copy of the Audit Report dated 19.12.2015 wherein gross violation of the provisions of the Act and Rules, serious illegalities were noted. Maramath works were done violating the Rules framed under Section 100(2)(q)(r) and (s) of the Act.



20. The Commissioner has rejected the proposal of the trustee for the approval of the appointment of the employees of the Devaswom. It is further stated in the counter that there are numerous complaints of corruption, for making illegal appointments in the temple. A special team constituted by the Commissioner conducted an enquiry on the complaints received and submitted Ext.R1(i)(sic) [correct exhibit is (R1(j))] report dated 09.08.2017.

21. The 2nd respondent A.C. Venugopal Raja has filed a reply affidavit denying the allegations in the counter affidavit. It is stated that the allegations of corruption, maladministration and illegal appointments are false.

DBP 89 of 2017

22. This DBP was registered suo motu on the basis of a complaint submitted by an association of devotees, which contains several allegations of corruption. It is stated in the complaint that the devotees are disappointed due to the fight between the Malabar Devaswom Board and the trustee. The Board is trying to take over the management of the temple and the trustee is trying to retain the administration. It is also stated in the complaint that the Audit Department has pointed out several objections in the Audit Report.

WP(C) No. 12598/2020

23. This writ petition is preferred by one Rajesh K. and 28 others. The



petitioners are the employees of the 4th respondent Thirumandhamkunnu Bhagavathy Devaswom, Angadippuram. According to the petitioners, they have been appointed in the temple during 2007-2013 by the then hereditary trustee on a regular basis after a selection process.

24. According to the petitioners, they have been appointed as per the provisions of the scheme framed for the administration of the temple. As per the scheme, the trustee of the temple shall have the power to appoint the servants of the temple, with the power to fine, suspend, remove, or dismiss such servants for sufficient cause.

25. After the filing of the writ petition, petitioners 2, 8, 10 to 12, 17, 20, 23, 25, and 27 were deleted from the party array as per separate interim orders of this Court.

26. The petitioners contend that vide Ext.P1 order dated 30.06.2014, the 4th respondent has stopped the disbursal of salary to the petitioners, on the ground that the Devaswom Board, by order dated 16.06.2014, rejected the approval of 41 employees appointed in the temple.

27. Ext.P2 is the true copy of the order of the Commissioner, Malabar Devaswom Board, rejecting the approval. Thereafter, the petitioners approached the Government and preferred Ext.P3 revision. The Government has not



considered the revision and no stay was granted. The petitioners continued to work in the temple without getting any salary. The petitioners further stated that the Malabar Devaswom Board, as per Ext.P4 minutes dated 07.05.2015, resolved to consider the recommendation of the Standing Committee to approve and to regularise the service of the employees working under the Devaswom as on 28.02.2024. According to the petitioners, even after the Ext.P4 minutes the Malabar Devaswom Board did not take any steps to regularise the petitioners in service.

28. Therefore, the petitioner approached this Court and instituted a writ petition as WP(C) No. 17010 of 2014, seeking regularisation. By Ext.P5 judgment dated 05.11.2019, this Court has disposed of the writ petition directing the revisional authority to decide the issue by itself. The petitioners asserted that despite Ext.P5 judgment of this Court, the 1st respondent, State, has refused to exercise its revisional jurisdiction and relegated the whole issue to the original authority, i.e. the Commissioner, whose decision was under challenge before the State. Ext.P6 is the true copy of the order issued by the 1st respondent. Thereafter, the Executive Officer of the temple issued Ext.P7 order terminating the petitioners from service.

29. The 3rd respondent Malabar Devaswom Board has filed a detailed counter statement denying the allegations in the writ petition. It is stated in the



counter that the former trustee in charge of the temple had submitted a representation dated 09.08.2013 before the 2nd respondent, the Commissioner, Malabar Devaswom Board, seeking approval for the appointment of 42 employees. It is also stated in the representation that 102 employees were working in the temple and among them only 60 employees were approved under the schedule of establishment sanctioned by the 3rd respondent Board. The Board has considered the representation and issued Ext.P2 order declining to approve the new appointments, since the employees were appointed illegally and also against the rules, circulars and orders issued by the 3rd respondent Board.

30. Challenging Ext.P2, the petitioners preferred WP(C) No.17010/2014. As per Ext.P5 judgment, this Court directed the 1st respondent State to consider the revision petition on merits, and accordingly, Ext.P6 order was passed. It is stated in the counter that the petitioners were illegally appointed in the temple pursuant to the decision of the trustee. Such illegal appointments have created a huge financial burden on the temple. Corruption in such appointments are strongly suspected. Two specific reasons were stated in the counter to indicate that the appointments made in the temple are illegal. Firstly, the fresh appointments were made towards non-sanctioned posts and secondly, appointments were made without observing any fair and transparent selection procedures.



31. Numerous complaints were received by the Board about the illegal appointments and corruption. The contention of the petitioners that they have been appointed on a regular basis after due process of selection is absolutely false. It is also contended that Ext.P6 order was passed by the 1st respondent in compliance with Ext.P5 judgment of this Court.

32. It is also submitted that as per the approved Schedule of Establishment, there are 73 sanctioned posts. At present, 57 persons in regular service are working in the sanctioned posts. Remaining posts are vacant due to retirement, promotion, dismissal and resignation. 17 appointments were illegally made, without observing any formalities and 27 persons were engaged against non-sanctioned posts. Pursuant to the order of the 1st respondent, the 5th respondent has issued an order terminating 27 persons.

33. It is pointed out that the Trustee has no authority to alter the schedule of establishment, without prior sanction of the Board under Rule 10 of the Rules framed under section 100(2)(y) of the Act. The power of the Trustee to make appointments against sanctioned posts cannot be termed as authority to create new posts in the temple and without taking prior permission from the Board. It is submitted that though no permission is required for filling up an existing vacancy, for creation of new posts prior sanction is necessary. Under Rule 10 of the Rules under Section 100 (2)(y) of the Act, the Board has been



vested with the power and authority for overseeing the appointments in temples paying salary from temple funds, so that any unnecessary and illegal appointments which may deplete temple funds, can be checked.

34. It is stated that as per Law, the Trustee has to furnish a proposal for creation of post. The proposal has to be scrutinized to verify the necessity and essentiality by the authorities under the Act. The Trustee is bound to notify the vacancies, after obtaining sanction for creation of post and make appointments in accordance with Law. The Trustee has to frame a schedule of establishment for the approval of the Board and prepare the Section 25 Register showing the sanctioned posts, pay scales, and regular appointments against each post, and submit the same for approval. The same cannot be altered without the prior sanction of the Board.

35. It is also submitted that the power given under Section 48 is also subject to the supervisory and regulatory control by the competent authorities under the Act. Section 18 makes this position very clear, which empowers the Commissioner to examine the regularity, legality, correctness and propriety of any action or proceedings taken by the Trustee in respect of the administration of the temple, against which no suit or appeal is provided to any Court, to annul, reverse or modify or remit for reconsideration. Section 20 enjoins a duty on the Commissioner for overall superintendence and control over the religious



Institutions, which include the power to pass any order for ensuring that the funds and properties of the temple are duly appropriated for the purposes for which the temple is found. Therefore, it is submitted that the Malabar Devaswom Board, has ample power and authority under the Act to cancel the proceedings for creation of unnecessary posts or to terminate the illegal appointments.

36. In Ext.P6 order, it is made clear that the action of the trustee in making appointments towards non-sanctioned posts is totally illegal.

WP(C) No. 23487 of 2021

37. The 1st petitioner Sri. M. Dileep is the Plant Operator and the 2nd petitioner Sri. N.K. Rajesh is the Driver of the temple. They were petitioner Nos. 17 and 23 in WP(C) No. 12598 of 2020. Later, they withdrew the writ petition with a liberty to file a fresh petition.

38. According to the writ petitioners, they were terminated from the service as per Ext.P6 orders. This writ petition is preferred challenging Ext.P6 order of the Government with a direction to reinstate them into the service.

39. In this matter, the 4th respondent, the trustee of the temple Devaswom, filed a counter affidavit contending that the Commissioner of Malabar Devaswom Board has no powers either to appoint or to terminate the employees of the Devaswom, which are exclusively vested with the trustee. The appointing



authority is the trustee and therefore, the power of termination is also vested with the trustee.

40. The Executive Officer, Sri. C.C. Dinesh, appointed by the Malabar Devaswom Board has also filed a counter affidavit contending that the trustee has absolutely no power to create any post without prior sanction of the Board. The appointments made by the trustee to a post, which is neither sanctioned nor approved by the Board shall be invalid.

41. The 1st respondent State of Kerala has filed a counter affidavit contending that the petitioners were illegally appointed as the employees of the temple as per the illegal decision of the trustee and huge financial burden is caused to the temple by those illegal appointments.

WP(C) No.26462 of 2021

42. The writ petitioners herein are also the employees of Sree Thirumandhamkunnu Temple. The petitioners 1 and 2 namely M. Sreedevi and K.C. Sumathi were appointed temporarily on a daily wage basis to the two vacancies that arose in the cadre of sweeper due to the retirement of Smt. Thankammu Amma and Smt. Chakky from 01.11.2011 and 06.01.2012 respectively. They were given permanent appointment on 21.01.2013 as Sweeper (Attender Grade) by Ext.P2 order of the trustee.



43. The petitioners 1 and 2 successfully completed their probation on 20.01.2014 and were given confirmation on 31.01.2014 by Ext.P3 order.

44. The 3rd petitioner Smt. V. Indiradevi was appointed as Sweeper in the cleaning section of the temple in permanent vacancy which arose due to the voluntary retirement of her mother Smt. Devayani as per Ext.P4 order of the Devaswom. After the completion of probation, the 3rd petitioner was confirmed in the service as per Ext.P5 order dated 31.01.2016.

45. It is further stated in the writ petition that the husband of the 4th petitioner Smt. Yasodha, while working as an Elephant Mahout was seriously injured in an elephant attack. On the basis of the representation submitted by her husband, the 4th petitioner was appointed in the cleaning section as Sweeper as per Ext.P7 order. Her appointment was on compassionate grounds not in a sanctioned post.

46. The Commissioner Malabar Devaswom Board has rejected approval of their appointment as evident from Ext.P10 letter.

WP(C) NO. 13495 of 2022

47. This writ petition is filed by R. Bhaskaran and two others. The petitioners 1 and 2 were rendering service in the temple as 'Ulthurai Vadhyam' and the 3rd petitioner was rendering his service as 'Edakka Vadhyam'. The



petitioners assert that their service was indispensable for carrying out the religious ceremony of the temple. The petitioners were appointed by hereditary trustees between 2007-2013. This writ petitioners have also challenged the order of the revisional authority (Revenue Devaswom Department) relegating the matter to the Commissioner despite specific direction from this Court.

Judicial Evaluation

WP(C) No. 13541/2013

48. The principal challenge in WP(C) No.13541/2013 is with regard to the appointment of Executive Officer in the temple. The 1st petitioner in this matter is the trustee of the temple. Sri. K. Ramkumar, the learned senior counsel appearing for the petitioners, would submit that the appointment of Executive Officer is illegal and arbitrary.

49. According to the learned counsel for the petitioners as per Ext.P1 scheme the ownership of the temple is vested with the Swaroopam and the administration with the senior most male member as the hereditary trustee. The appointment of Executive Officer by the Commissioner would amount to the usurpation of rights of the trustee. Furthermore, as per Ext.P1 scheme only the trustee has the power to appoint an Executive Officer.

50. The learned counsel further submitted that Ext. P5 notice by which



the Executive Officer assumed charge of the temple and Ext.P6 proceedings of the Commissioner directing the Executive Officer to take charge of the temple are illegal.

51. On the other hand, Sri.R. Lekshmi Narayanan, learned Standing Counsel for the Board, submitted that the Executive Officer was appointed in the temple as a stop-gap arrangement to avoid a vacuum in the administration of the temple, by invoking the powers of superintendence and control under Section 20 of the Act. The Board has ample powers under Section 20 of the Act to pass appropriate orders .

52. The learned counsel for the petitioner has invited the attention of this Court in **A.C. Bhanunni v. Hindu Religious & Charitable Endowments (Admn.) Department**¹. In **A.C. Bhanunni** (supra), this Court had occasion to examine the scope and ambit of Section 20 of the HR & CE Act in detail. A coordinate Bench of this Court in **A.C. Bhanunni** (supra) observed that the hereditary trustee is not under the absolute control or is an employee of the Board.

53. The learned counsel has also invited the attention of this Court in the dictum laid down in **Edamana Vasudevan Namboothiri v. Malabar**

¹ 2011 SCC OnLine Ker 2907



Devaswom Board². In **Edamana Vasudevan Namboothiri** (supra), this Court after a detailed evaluation of the relevant provision of the Act observed that the Devaswom Board cannot usurp into the powers of the trustee by appointing a full-time Executive Officer invoking the powers under Section 20 of the Act. The relevant paragraphs of **Edamana Vasudevan Namboothiri's** case (supra) reads as follows:

"65. The powers vested in the Board under S.20 of the HR & CE Act are to pass such orders for the supervision of the affairs of the temple. The powers conferred on the Commissioner under S.20 of the Act are subject to the other provisions of the Act, and consist of general superintendence and control over the administration of religious endowments so as to ensure proper administration and due appropriation of the income. The word superintendence is not defined in the Act.

66. P. Ramanatha Aiyar's 'Advanced Law Lexicon defines the word "Superintendence" in the following manner:
"Superintendence-- means the act of superintending, care, and oversight, for the purpose of direction, and with authority to direct."

67. The words "superintendence" and "control" presuppose two authorities, i.e., one authority to exercise the powers and discharge the duties, and another authority to supervise and control the affairs of the former.

68. In the instant case, the authority invested with the powers of superintendence and control has appointed an Executive Officer to discharge the duties of the original authority. The word "superintendence and control" are not defined in the HR & CE Act. Therefore, those words should be interpreted in its general and literal meaning.

69. If there is maladministration, misfeasance or mismanagement by the Manager of the temple, who is acting for and on behalf of

² 2026 KHC 270



the Trustee appointed as per Ext.P1 scheme, it is open for the Board to act in accordance with S.45 of the Act. But the Board has not opted to invoke S.45 of the HR & CE Act; instead, the respondent Board has issued Ext.P6 order by an indirect method to perform the functions or discharge the duties of the original authority, which in our considered view, is impermissible.”

54. In the instant case, Ext P1 is the scheme framed on 04.05.1966 under Section 58 of the Act. It would be useful to extract the relevant provisions of the scheme for easy reference.

SCHEME

“1. This Scheme shall come into force from the date of its publication.

2. The administration of the affairs of Sri. Thirumandhamkunnu Bhagavathi Temple, Angadipuram, Perintalmanna Taluk, Palghat District the shrines attached thereto and all the properties movable and immovable which belong to or have been may thereafter be given, dedicated or endowed thereto shall subject to the provisions of this Scheme vest in the family of the hereditary trustee.

3. The trustee shall appoint an Executive officer, with the approval of the Deputy Commissioner on a salary to be fixed by him. The conditions of service of the Executive officer shall be regulated by the rules framed under the Act. The present Manager shall the first Executive Officer appointed under this Scheme.

3(a). If the trustee fails to appoint an Executive officer within one month from the date of coming into force of this order, the appropriate authority under the Act shall have power to appoint an Executive Officer and in such a case, he shall be under the Disciplinary control of the Department.

4. The Executive officer shall work under the supervision of the Trustee and the Trustee shall have the power for good and



sufficient cause to suspend, remove or dismiss the Executive officer from service. But he shall have a right of appeal to the Deputy Commissioner.

5. The Executive Officer shall before joining duty furnish such Security as may be determined by the Trustee not lower than that fixed by the rules made in this behalf.

6(a). The Executive Officer shall conduct the day-to-day affairs of the Temple including the proper performance of daily services and periodical festivals and shall collect the rents and other dues to the temple and make necessary disbursements under the orders of the Trustee.

(b) He shall maintain regular accounts of all receipts and disbursements supported by proper vouchers and may retain with him the temple funds to the extent of Rs. 200/- and money on excess of Rs. 200/- shall be deposited in the name of the temple in the post office Savings Bank or any other Banks approved by the Deputy Commissioner. The Trustee shall have the power to operate on the Bank account.

7. The trustee shall have the power to appoint all other Servants of the temple with power to fine, suspend, remove or dismiss any such servant of the temple for good and sufficient causes. An appeal against the order of the Trustee shall lie to the Deputy Commissioner."

55. Ext. P1 scheme would provide that the trustee shall appoint an Executive Officer with the approval of the Deputy Commissioner. Clause (3) of the scheme makes it clear that the present Manager shall be the first Executive Officer appointed under the scheme.

56. Clause 3(a) of the scheme states that if the trustee fails to appoint an Executive Officer within one month, the appropriate authority shall have the power to appoint an Executive Officer. In such cases, Executive officers shall be



under the disciplinary control of the Department.

57. Clause (4) of the scheme enjoins that the Executive Officer shall work under the supervision of the trustee.

58. On going through Ext.P1 scheme, it is clear that the power to appoint an Executive Officer primarily vests with the trustee and only when the trustee fails to act in accordance with the scheme, the Board can appoint an Executive Officer for the administration of the affairs of the temple. In other words, the powers of the Board to appoint an Executive Officer as per the scheme is limited.

59. We have carefully gone through Ext.R1(a), the proceedings of the Commissioner, which is under challenge, whereby Sri. C. Vinodkumar is appointed as Executive Officer of the temple in full additional charge. In R1(a) order, it is stated that the trustee of the temple Sri. A.C. Bhanunni Raja expired on 13.05.2013. The 1st petitioner A.C. Kunhunni Raja is the person claiming trusteeship, who is next in the line of succession. As the 1st petitioner is in Bangalore, he executed a power-of-attorney in favour of the 2nd petitioner Venugopal Raja. The stand of the Board is that a trustee cannot execute a power-of-attorney for the administration of the affairs of the temple; instead he can only appoint a fit person as per the provisions of the Act. In order to avoid the vacuum and standstill in the administration of the temple, an Executive



Officer was appointed as a stop-gap arrangement.

60. On going through Ext.R1(a) proceedings, it could be seen that the Executive Officer is appointed for an indefinite period. If the intention of the Commissioner is to avoid a standstill in the administration, the appointment of the Executive Officer can only be for a limited period. In the instant case, it seems that the appointment is for an indefinite period, until further orders.

61. This Court by interim order dated 31.07.2017 has permitted the interim arrangement to be continued during the pendency of the writ petition.

62. In the present case, the Executive Officer appointed by the Board in 2013, and thereafter his successors, have continued to administer the affairs of the temple for an inordinately long period of nearly thirteen years. Such prolonged continuation of an Executive Officer effectively eclipses the rights of the hereditary trustee to administer the affairs of the temple in accordance with the provisions of the Scheme and the governing statute. The power to appoint an Executive Officer is intended to meet exceptional situations and cannot be exercised in a manner that results in a permanent or indefinite displacement of the hereditary trustee. If the Board is of the view that prevailing circumstances warrant the appointment of an Executive Officer, such appointment must necessarily be for a definite and specified period. This would ensure continuity in administration while safeguarding the rights conferred upon the hereditary



trustee under the Scheme and the statute. The Board is, therefore, duty-bound to periodically review the circumstances that necessitated the appointment of the Executive Officer. Only upon a conscious evaluation and a finding that the circumstances giving rise to the administrative impasse continue to subsist can the term of the Executive Officer be extended, and even then only for a further specified period. Indefinite extensions, without periodic review and application of mind, would be inconsistent with the statutory framework and the scheme governing the administration of the temple.

63. In the instant case, the Executive Officer is appointed by Ext.R1(a) order for an indefinite and unspecified period, that too without giving notice and affording an opportunity to the hereditary trustee of the temple, who is legally entitled to manage the affairs of the temple.

64. Considering the facts and circumstances of the case, in view of the law laid down by this Court in **A.C. Bhanunni** (supra) and **Edamana Vasudevan Namboothiri** (supra), we hold that Ext.R1(a) proceedings of the Commissioner and all consequential orders are illegal, arbitrary and liable to be quashed.

DBP No. 89/2017

65. The core issue involved in this DBP relates to corruption,



maladministration, misfeasance, and mismanagement in the temple. Furthermore, it is stated in the complaint that there is a tug of war between the trustee of the temple and the Board with respect to retaining control and taking over the management.

66. The complainants in the DBP have highlighted that illegal appointments were made in the temple through corrupt means. Furthermore, the interests of the devotees/Bakthas are being disregarded and neglected by the trustee and the Board.

67. As per Ext.P1 scheme, the eldest male member of the Swaroopam is entitled to hold the trusteeship of the temple by way of succession. In many cases they are Octogenarians, Septuagenarians, who are physically disabled to effectively manage the affairs of the temple. Naturally, they may entrust the task of administration to a fit person from inside or outside the family.

68. After the death of each Valiyaraja, there would be some standstill and gaps in the administration of the temple, which may adversely affect the welfare and well being of the deity and the devotees. Admittedly, the temple is administered as per Ext.P1 scheme framed in the year 1966. Many of the provisions of the scheme are obsolete, old and ineffective for the smooth conduct of the administration of the temple. For instance, clause 6(b) states that the Executive Officer may retain temple funds to the extent of Rs. 200/- and to



deposit the excess amount in bank. Moreover, the eldest male member of the Swaroopam will administer the temple as the trustee, who often takes decisions independently without any consultative process with the other members of the family. In other words, the entire power is concentrated on a single individual, which often lead to corruption and mismanagement.

69. On going through Ext.P1 scheme, we are of the view that it is ineffective and inadequate for the smooth conduct of the management of the temple. Therefore, the Commissioner Malabar Devaswom Board shall take effective measures to frame a new scheme to ensure smooth and effective administration of the temple by participation of all the major members of the families giving due respect to the elder members of the families of the hereditary trustees. The new scheme shall be more transparent, fair, equitable and should be capable of safeguarding and protecting the interest of the deity and devotees.

WP(C) Nos. 12598 of 2020, 26462 of 2021, 23487 of 2021, and 13495 of 2022

70. WP(C) No. 12598 of 2020 is preferred by 29 employees of the temple, challenging Ext.P6 order of the 1st respondent State. Thereafter, some of the petitioners had sought permission to withdraw the writ petition with liberty



to file a fresh writ petition. Names of those petitioners were deleted from the party array and they preferred separate writ petitions alleging that there was misjoinder of cause of action.

The following issues are involved in these four writ petitions:

- (1) What is the scope of powers of a hereditary trustee for the appointment of employees in the temple?
- (2) Whether the Commissioner has the power to terminate the employees/staff appointed by the trustee ?
- (3) Whether the revisional authority exercising powers under Section 99 of the Act could remit the case to the appellate authority ?

71. The issue Nos.1 and 2 are with respect to the powers of the trustee for the appointment of staff in the temple and whether such power is absolute or not.

72. Sri. K. Ramkumar, the learned counsel for the petitioner in WP(C) No. 13541 of 2013 and Sri. Anoop V. Nair, the learned counsel for the petitioners in WP(C) No. 26462 of 2021 would submit that the appointment and the termination of the employees/staff of the temple is the prerogative right of the trustee and the Malabar Devaswom Board has no control in such matters. The supervisory control of the Board does not extend to interfere in the



appointment or termination of the employees. The learned counsels pointed out that the salary of the employees are paid by the trustee himself and therefore, the Board cannot impose any restrictions in the appointment, regularisation or termination of the employees of the temple. Therefore, it is submitted that Ext.P6 order of the 1st respondent revisional authority is illegal and liable to be quashed.

73. Per contra, the learned Standing Counsel for the Board would submit that the power of trustee in making appointment and related matters is subject to the limitations and restrictions in the statutory provisions and the rules framed thereunder. Such powers of the trustee are not absolute or unqualified.

74. Before we proceed to decide the issues, it would be appropriate to quote the provisions of the Act and the Rules. Sections 18, 20, 23, 25, 48, 100 of the Act reads as follows:

“18. Power of Commissioner to call for records and pass orders

(1) The Commissioner may call for and examine the record of any Deputy or Assistant Commissioner, or any Area Committee, or of any trustee not being the trustee of a math or of a specific endowment attached to a math, in respect of any proceeding under this Act (not being a proceeding in respect of which a suit or an appeal to a Court is provided by this Act), to satisfy himself as to the regularity of such proceeding, or the correctness, legality or propriety of any decision or order passed therein.

(2) If any such decision or order has been passed by any Deputy or Assistant Commissioner, or by the trustee of any religious



institution other than one included in the list published under Section 38, and it appears to the Commissioner that the decision or order should be modified, annulled, reversed or remitted for re-consideration, he may pass orders accordingly.

(3)(a) If any such decision or order has been passed by any Area Committee or by the trustee of any religious institution included in the list published under Section 38, the Commissioner may, if he thinks fit, remit the matter together with his observations in regard thereto, to the Committee or trustee for reconsideration of the decision or order and report to the Commissioner within a time to be specified by him in this behalf.

(b) On receipt of, and after considering, such report, it shall be open to the Commissioner to modify, annul or reverse the decision or order, or the decision or order as revised after such reconsideration, as the case may be.

(c) If the report is not received by the Commissioner within the time specified or such further time as may be granted by him the Commissioner may modify, annul or reverse the decision or order of the Area Committee or trustee, as the case may be.

(4) The Commissioner shall not pass any order prejudicial to any party under sub-section (2) or clause (b) or clause (c) of sub-section (3), without hearing him or giving him a reasonable opportunity of being heard.

20. Powers and Duties of the Commissioner in respect of religious Endowments. - Subject to the provisions of this Act, the administration of all religious endowments shall be subject to the general superintendence and control of the Commissioner; and such superintendence and control shall include the power to pass any orders which may be deemed necessary to ensure that such endowments are properly administered and that their income is duly appropriated for the purposes for which they were founded or exist.

23. Trustee bound to obey orders issued under Act.
- The trustee of a religious institution shall be bound to obey all lawful orders issued under the provisions of this Act by the Government [Board], the Commissioner, the Deputy Commissioner, the Area Committee or the Assistant Commissioner.



25. Preparation of register for all institutions. - (1)
For every religious institution, there shall be prepared and maintained a register showing-

(a) the names of past and present trustees and particulars as to the custom, if any, regarding succession to the office of trustee;

(b) Particulars of the scheme of administration and of the dittam or scale of expenditure;

(c) the names of all offices to which any salary, emolument or perquisite is attached and the nature, time and conditions of service in each case;

(d) the jewels, gold, silver, precious stones, vessels and utensils and other movables belonging to the institution, with their estimated value;

(e) particulars of all other endowments of the institution and of all title-deeds and other documents;

(f) particulars of the idols and other images in or connected with the institutions, whether intended for worship or for being carried in processions;

(g) such other particulars as may be required by the Commissioner.

(2) The register shall be prepared, signed and verified by the trustee of the institution concerned or by his authorized agent and submitted by him to the commissioner, directly in the case of a math, through the Area Committee, in case the institution is subject to the jurisdiction of an Area Committee, and through the Assistant Commissioner in other cases, within three months from the commencement of this Act or from the founding of the institution, as the case may be, or within such further period as may be allowed by the Commissioner, the Area Committee or the Assistant Commissioner:

Provided that this sub-section shall not apply where a register so signed and verified has been submitted to the Board before the commencement of this Act.

(3) The Area Committee or the Assistant Commissioner, if the register is submitted through it or him, may, after such inquiry as it or he may consider necessary, recommend such alterations, omissions or additions in the register as it or he may think fit.

(4) The Commissioner may, after receiving the register and



recommendations of the Area Committee or of the Assistant Commissioner with respect thereto and making such further inquiry as he may consider necessary direct the trustee to make such alterations, omissions or additions in the register as the Commissioner may deem fit.

(5) The trustee shall carry out the orders of the Commissioner and then submit three copies of the register as corrected to the Commissioner for approval.

(6) One copy of the register as approved by the Commissioner shall be furnished to the trustee and one to the Area Committee or the Assistant Commissioner concerned, if any.

48. Appointment of office-holders and servants in Religious Institutions. -(1) Vacancies, whether permanent or temporary, amongst the office-holders or servants of a religious institution shall be filled up by the trustee in cases where the office or service is not hereditary.

(2) In cases where the office or service is hereditary, the next in the line of succession shall be entitled to succeed.

(3) Where however there is a dispute respecting the right of succession, or

Where such vacancy cannot be filled up immediately, or

Where the person entitled to succeed is a minor without a guardian fit and willing to act as such or there is a dispute respecting the person who is entitled to act as guardian, or

Where the hereditary office holder or servant is suspended from his office under section 49 sub section (1), the trustee may appoint a fit person to discharge the functions of the office or perform the service until the disability of the office holder or servant ceases or another person succeeds to the office or service as the case may be.

Explanation. - In making any appointment under this sub



section the trustee shall have due regard to the claims of members of the family, if any, entitled to the succession.

(4) Any person affected by an order of the trustee under subsection (3) may, within one month from the date of the receipt of the order by him, appeal against the order to the Deputy Commissioner.

100. Power to make rules. - (1) The Government may make rules to carry out all or any of the purposes of this Act and not inconsistent therewith.

(2) In particular, and without prejudice to the generality of the foregoing power, they shall have power to make rules with reference to the following matters:-

(a) all matters expressly required or allowed by this Act to be prescribed;

(b) the form and manner in which applications and appeals should be submitted to the Government, the Commissioner, or a Deputy or an Assistant Commissioner;

(c) the powers of the Government, the Commissioner, or a Deputy or an Assistant Commissioner to hold inquiries, to summon and examine witnesses and to compel the production of documents;

(d) the inspection of documents and the fees to be levied for such inspection;

(e) the fees to be levied for the issue and service of processes and notices;

(f) the grant of certified copies and the fees to be levied therefor;

(g) the budgets, reports, accounts, returns or other information to be submitted by trustees;

(h) the convening of meetings of trustees and the quorum for, and the conduct of business at, such meetings;

(i) the manner in which the opinions of trustees shall be ascertained otherwise than at meetings;

(j) the proper collection of the income of, and the incurring of expenditure by, religious institutions;

(k) the custody of the moneys of religious institutions, their deposit in, and withdrawal from, banks, and the investment of such moneys;



(l) the custody of jewels and other valuables and documents or religious institutions;

(m) the manner in which and the period for which leases of properties of religious institutions shall be made;

(n) the manner in which the accounts of religious institutions shall be audited and published, the time and place of audit and form and contents of the auditor's report;

(o) the method of calculating the income of a religious institution for the purpose of levying contribution and the rate at which it shall be levied;

(p) the security, if any, to be furnished by officers and servants employed for the purposes of this, Act ;

(q) the preservation, maintenance, management and improvement of the properties and buildings of religious institutions;

(r) the inspection and supervision of the properties and buildings of religious institutions, the reports to be submitted by persons making such inspection and supervision and the fees leviable for such inspection, supervision and report;

(s) the preservation of the images in temples;

(t) the grant of travelling and halting allowances to the members of the Area Committees or to the trustees;

(u) the preparation and sanction of the estimates and acceptance of tenders, in respect of public works and for supplies in religious institutions;

(v) *****

(w) *****

(x) the qualifications, method of recruitment, pay, grant of leave leave allowance and travelling allowance, personal conduct and punishment of-

(i) *****

(ii) executive officers appointed for religious institutions under any provision of this Act or in pursuance of any scheme settled or deemed to be settled thereunder;

(y) the qualifications to be possessed by the officers and servants for appointment to non-hereditary offices in religious institutions, the qualifications to be possessed by hereditary servants for succession to office and the conditions of service of all such officers and servants;

(z) the grant of pensions of gratuities to officers and



servants of the Board who retired before the commencement of this Act; and

(aa) the grant of gratuities to the heirs of deceased officers and servants of the Board including those who had retired before the commencement of this Act.

(3) The Power to make rules under this section shall be subject to the condition of previous publication."

75. It would be apposite to extract the Rules framed under Section 100(2)(y) of the Act.

PART I

1. The rules in this Part shall apply to all officers and servants of religious institutions except the officers and servants constituting the establishment of the Tirumalai-Tirupathi Devasthanams to whom the rules framed under Section 100 (2) (x) (i) apply and executive officers appointed for religious institutions under any provisions of the Act or in pursuance of the scheme settled or deemed to be settled thereunder, to whom the rules framed under Section 100(2)(x)(ii) apply.

2. In the rules--

(a) 'ulthurai servant' means and includes a servant whose duties relate mainly to the performance, or rendering assistance in the performance, of pooja, rituals and other services to the deity, the recitation of Mantras, Vedas, Prabandas, Thevarams and similar invocations, and the performance of duties connected with such performance or recitation;

(b) 'outdoor servant' means and includes a servant other than a ulthurai servant;

(c) 'officer' or 'servant' includes a person who holds an office to which an inam, granted, confirmed or recognized by the Government, is attached or is remunerated in kind or in cash and



who is not a whole time functionary;

(d) 'appointing authority' means the authority having power to appoint an officer or servant.

3. Every officer and servant of a religious institution shall profess the Hindu religion and shall cease to hold office when he ceases to profess the Hindu religion.

4. (1) No person who is suffering from any contagious or infectious disease either congenital or supervening and no person who is suffering from any mental or physical infirmity which renders him unfit for service, shall be appointed to, or succeed to or hold any office in a religious institution. Any doubt or dispute as to whether a person is qualified under this rule shall be decided by the trustee by obtaining a certificate of physical fitness from the nearest Civil Assistant Surgeon. Any person aggrieved by an order of the trustee may file an appeal to the Commissioner within one month of the date of receipt by him of the trustee's order.

(2) Except in the case of a hereditary officer or servant, no person may be appointed to or hold any office unless he is not less than eighteen and not more than sixty-five years of age.

(3) No person convicted and sentenced to imprisonment by a criminal Court for an offence involving moral turpitude or bound over for keeping the peace or for good behaviour shall be appointed to or hold any office.

(4) No person who has been declared or adjudicated as an insolvent or who has applied to be so adjudicated or declared shall be appointed to or hold any office.

5. (1) The appointing authority may, if it deems necessary, require any non-hereditary office-holder or servant of an institution to undergo a period of probation as specified in the order of appointment which in no case shall exceed two years within a continuous period of three years. Such probation may be either in the said post or in any similar or higher post.

(2) If at the end of the prescribed period of probation, the



appointing authority does not consider the probationer suitable for confirmation, the appointing authority shall discharge him from service:

Provided that the appointing authority, may, in its discretion instead of discharging the probationer, extend the period of his probation by a period which shall in no case be longer than one year from the date of the expiry of the prescribed period of probation and if, at the end of such extended period, the appointing authority does not consider the probationer suitable for confirmation, he shall be discharged.

(3) If, at the end of the prescribed period or extended period of probation the appointing authority considers the probationer suitable for confirmation, an order declaring the probationer to have satisfactorily completed his probation shall be issued as soon as possible. On the issue of such an order, the probationer shall be deemed to have satisfactorily completed his probation on the date of the expiry of the prescribed period of probation or as the case may be, the extended period of probation.

6. Every 'ulthurai servant' whether hereditary or not, whose duty is to perform poojas and recite Mantras, Vedas, Prabandams, Thevarams and other invocations shall before succeeding, or appointment, to an office obtain a certificate of fitness for performing his office, from the head of an institution imparting instructions in Agamas and ritualistic matters and recognized by the Commissioner by general or special order or from the head of a math recognized by the Commissioner by a general or special order, or other person designated by the Commissioner from time to time for the purpose.

7. A woman succeeding to the office of a hereditary 'ulthurai servant' or a hereditary 'ulthurai servant' who does not possess or has not acquired the qualification required by Rule 6, or who for any reason is unable to discharge her duties may, subject to approval by the trustee, nominate in writing a duly qualified person as deputy for such period as may be specified in the instrument of nomination and such deputy may, on recognition by the trustee of the religious institution, hold the office subject to the rights and disabilities of the person who



nominates him:

Provided that in making nomination preference shall be given to a member of the servant's family who is duly qualified and willing to be nominated.

8. If a hereditary outdoor servant is unable to discharge the duties attached to the office, personally, he or she may, with the previous approval of the trustee, nominate a duly qualified person as his or her deputy and such deputy may on recognition by the trustee hold the office subject to the rights and disabilities of the person who nominated him:

Provided that the trustee shall, when the hereditary servant is not a female, not be bound to recognize a deputy for more than one year and that such hereditary servant who is absent for more than a year shall not be entitled to continue his deputy or to draw his emoluments, but shall be liable for removal from office for failure to perform his duty.

9. No person shall be appointed to the post of outdoor servant to which the duties of maintenance and custody of accounts and register collection of incomes and custody of cash or other valuables are attached, unless he has passed the III Form or the VIII Standard and no person shall be appointed to the post of outdoor servant carrying a salary of Rs. 45 per month and above unless he is qualified for entry into the public service, under the notification for the time being in force relating to entry into public service.

10. The pay and emoluments in cash and in kind of each officer and servant shall be in accordance with a schedule of establishment framed by the trustee and approved by the Area Committee in the case of institutions under the jurisdiction of the Committee and by the Commissioner in the case of other institutions. The trustee shall not alter the schedule without the previous permission of the Area Committee or the Commissioner, as the case may be."

76. Sri. Anoop V. Nair, the learned counsel, invited the attention of this Court to the judgment in **Parakkad Sree Bhagavathy Devaswom v.**



Malabar Devaswom Board and Others³. In the said judgment, a coordinate Bench of this Court observed that the power to supervise does not include the power to appoint, and that the authorities under the Act have no power to make such appointments.

77. The learned counsel has also placed reliance on the judgment of a coordinate Bench of this Court in WA No. 35/2021, wherein, it was observed that the sole prerogative in making appointment to available vacancies in sanctioned post will be vested with the temple trustee going by the mandate contained in Section 48(1) of the Act. Moreover, the control of such officials and servants of the temple is also vested with the trustees as per Section 49 of the Act.

78. The learned counsel has invited the attention of this Court in paragraph 21 of **A.C. Bhanunni** (supra). In that judgment, this Court held that hereditary trustees have the authority over administrative affairs including appointment, suspension and termination of temple employees. It was further observed that trustee of every religious institution is bound to administer its affairs to apply its funds and properties in accordance with the terms of the trustee, the usage of the institution and all lawful direction, which a competent authority may issue in respect therefore and as carefully as a man ordinary prudence would deal with such affairs, funds and properties if they were his own. In paragraph 72 of the said judgment went on holding that the Commissioner and other officers have mere supervisory powers which do not make the hereditary trustee a subordinate of a Board.

79. In **Malabar Devaswom Board v. Hareesh V.**⁴, this Court held that the actual process of appointment to fill up the vacancies in relation to

³ 2010 (4) KHC 573

⁴ 2022 KHC OnLine 211



sanctioned posts will not require any prior approval of the Commissioner either before such appointments or after the appointment.

80. In **Parakkad Sree Bhagavathy Devaswom** (supra), it was held that the power to supervise does not include the power to appoint.

81. Section 20 of the Act empowers the Commissioner to pass any orders which are necessary to ensure the proper administration of the temple and due appropriation of the income therefrom. It says about the power of the Commissioner for control and general superintendence of the religious institution.

82. Section 23 of the Act enjoins that the trustee of a religious institution shall be bound to obey the lawful orders of the top level officers of the Board.

83. Section 25 makes it obligatory on the part of the trustee to maintain certain registers including a register showing the salary, emoluments etc., of the officers.

84. Section 48(1) empowers the trustee of a religious institution to fill up the vacancies of the office holders or servants, whether permanent or temporary.

85. Section 100 enables the Government to make necessary rules to carry out the purposes of the Act.

86. Section 100(2)(y) says that Rules may be made for with respect to the qualification, the conditions of service of the officers and the servants of a religious institution.

87. In exercise of the powers conferred under Section 100(2)(y), rules were framed by the Government. Rule 10 provides that the pay and



emoluments of each servant shall be in accordance with a schedule of establishment framed by the trustee and approved by the area committee or by the Commissioner as the case may be. It further states that the trustee shall not alter the schedule without the previous permission of the area committee or the Commissioner. Rule 10 is a valuable safeguard to ensure the arbitrary and excessive exercise of power by the trustee of a religious institution.

88. It is true that the trustee has the power to appoint a servant under Section 48(1), however, Rule 10 mandates that the pay and emoluments of such employees shall be in accordance with the schedule of establishment approved by the area committee/the Commissioner.

89. On a conjoint reading of the aforementioned provisions, it is crystal clear that the powers of the trustee to appoint non-hereditary servants or officers are unlimited and unfettered. It is true that the hereditary trustee is empowered to make appointments for the post sanctioned by the Board after complying with the due selection process. However, such powers are well within the control and supervision of the area committee or the Commissioner as the case may be.

90. In view of Rule 10, a trustee can make appointments only for the posts sanctioned and approved by the schedule of establishment by the competent officer of the Board. If any appointment is made, over and beyond the sanctioned posts, as the approved schedule of establishment, such appointments can only be considered as illegal. An illegally appointed employee cannot seek regularisation, salary and emoluments at par with the regular employees.

91. It is true that the appointing authority under Section 48(1) is the trustee of the religious institution. It is the settled proposition of law that only the appointing authority can terminate an employee. But in view of Section 23



of the Act, a trustee of a religious institution is bound to obey the lawful orders of the officers of the Board, such as the Deputy Commissioner, the Area Committee or the Assistant Commissioner. In the instant case, as per the approved schedule of establishment, there are only 73 sanctioned posts. The learned counsel for the Board pointed out that 17 appointments were illegally made without observing any formalities and 27 persons were engaged against non-sanctioned posts. Pursuant to the orders of the 1st respondent, the Commissioner had issued an order terminating 27 persons, who were appointed in the non-sanctioned posts. The law laid down in **A.C. Bhanunni, Parakkad Sree Bhagavathi temple, Hareesh V.** are not applicable to the facts of the instant case.

92. The petitioners in WP(C) No. 12598/2020, challenged Ext.P6 order passed by the State in exercise of revisional powers under Section 99 of the Act. The principal challenge in this writ petition is that Ext.P6 order of the 1st respondent therein is violative of Ext.P5 judgment of this Court and the revisional authority ought not have relegated the matter to the Commissioner. It would be useful to extract the operative portion of Ext.P5 judgment of this Court dated 05.11.2019 in WP(C) No. 17010 of 2014. The relevant paragraphs of Ext.P5 judgment reads as follows:

"10. Taking into consideration the materials provided in the writ petition, this Court is of the opinion that the 1st respondent shall apply its mind on the issue. The 4th respondent Devaswom is of a 'Mahakshethram'. Appointments to hereditary posts/vacancies cannot be said to be illegal if those have been made from among the candidates from the respective families when vacancies existed. The 4th respondent would be justified in making appointments which are extremely necessary and indispensable, taking into account the ritual requirements of the temple and the number of devotees visiting, if the appointments are not otherwise irregular. Furthermore, it is evident from Ext.P4 that the Malabar Devaswom Board, in its meeting held on



07.05.2015, has passed a resolution to the effect that the temporary appointments made in different temples coming under the Malabar Devaswom Board up to 28.08.2014 have to be approved, if necessary, by creation of fresh vacancies. In the light of the facts and circumstances stated above, the 1st respondent-Secretary to Government has to have a re-look in the matter.

The writ petition is, therefore, disposed of directing the 1st respondent to consider Ext.P3 revision petition submitted by the petitioners on merits, expeditiously, after giving an opportunity of hearing to a representative of the petitioners as also respondents 2 to 4. A decision in this regard shall be taken within a period of three months. The benefit of the interim order passed by this Court on 04.07.2014 will enure to the benefit of the petitioners till the 1st respondent passes final orders on Ext.P3."

93. Pursuant to Ext.P5 judgment of this Court, the Secretary Revenue Devaswom Department has considered the revision petition submitted by the employees of the temple after affording an opportunity of being heard.

94. The revisional authority after a careful consideration of materials placed on record and after hearing the affected parties, has disposed of the revision petition holding that the appointments made over and above the sanctioned strength, ie., 73 posts, are illegal. It is made clear that if the appointment is made to the sanctioned posts after complying with the procedures, the Commissioner can take appropriate decisions in this regard.

95. On going through Ext.P5 judgment and Ext.P6 order of the 1st respondent State, we do not find any illegality in the order. We are unable to accept the contention of the petitioners that Ext.P6 order is passed violating the judgment of this Court and relegated the matter to the Commissioner for taking a decision.

96. Section 99 of the Act empowers the State Government to call for



and examine the records of the Board and its officers or the trustee in respect of any proceedings in order to satisfy the legality, regularity or propriety of the orders passed. The revisional authority can modify, annul, reverse or remit the matter or reconsideration. The proviso to Section 99(1) states that before passing an order under Sub Section 1 of Section 99, the State Government shall afford a reasonable opportunity of being heard to the parties. On going through Section 99, it is crystal clear that the revisional authority has ample powers to remit the matter back to the original authority for reconsideration.

97. Pursuant to Ext.P6 order, the Commissioner has passed Ext.P7 order terminating the services of 27 employees with effect from 19.06.2020. On a careful consideration of the pleadings, materials placed on record, and the submissions advanced by counsel before the Court, we are of the firm view that the reliefs claimed in WP(C) No. 12598 of 2020 cannot be granted.

98. The learned counsel for the petitioners in WP(C) 26462 of 2021 has pointed out that the petitioners 1 and 2 were appointed against the retirement vacancies arising out of Smt. Thankammu Amma and Chakki with effect from 01.11.2011 and 06.01.2012 respectively. The learned counsel submitted that they were appointed to duly sanctioned and existing posts.

99. Likewise, it is pointed out that the 3rd petitioner in the above writ petition was appointed to the post which arose consequent to the voluntary retirement of her mother on 01.07.2008. The 4th petitioner was appointed on compassionate grounds after her husband, who was working as an elephant mahout, became medically unfit due to severe injuries sustained during the course of employment.

100. The learned counsel for the petitioners in WP(C) 23487 of 2021 and WP(C) No. 13495 of 2020 have pointed out that the petitioners therein are



entitled for regularisation in service in view of Ext.P4 resolution of the Board to regularise the temporary employees who were working under Malabar Devaswom Board as on 28.02.2014.

101. On a careful consideration of the pleadings materials placed on record and the submissions advanced in the Court, we deem it appropriate to dispose of these writ petitions in the following manner:

- (1) The WP(C) No. 13541 of 2013 is allowed. The order appointing Executive Officer in Sree Thirumandhankunnu Bhagavathi Temple and the consequential orders are hereby set aside and quashed.
- (2) The Devaswom Board and its officers are directed to initiate emergent steps to appoint hereditary trustee as per Ext.P1 scheme. The present Executive Officer holding charge of the affairs of the temple shall continue to hold the office till a new hereditary trustee is appointed as per Ext.P1 scheme. The aforesaid exercise shall be completed within one month from the date of this judgment.
- (3) The Deputy Commissioner Malabar Devaswom Board is directed to frame a new scheme replacing Ext.P1 scheme to ensure proper administration of the temple in accordance with Section 58(1) of the Act in consultation with the hereditary trustee and the persons having interest and the area committee having jurisdiction.
- (4) The new scheme shall be framed after effective consultations and meetings with the trustee and the members of the families of the hereditary trustee. The new scheme shall contain provisions and stipulations for the smooth, effective and proper administration of the temple in a transparent and corruption-free manner.
- (5) The aforesaid exercise shall be completed within the outer limit of three



months from the date of this judgment.

- (6) A draft of the new scheme shall be produced before the Devaswom Bench of this Court by the Commissioner Malabar Devaswom Board for approval. The new scheme shall be implemented only after getting approval from this Court.
- (7) WP(C) Nos. 12598 of 2020, 23487 of 2021, 13495 of 2022 are dismissed.
- (8) WP(C) No. 26462/2021 is disposed of with a direction to the Commissioner Malabar Devaswom Board to reconsider the matter afresh and ascertain whether the petitioners therein were appointed in the sanctioned posts and to pass appropriate orders.
- (9) DBP No. 89 of 2017 is closed.

Sd/-

RAJA VIJAYARAGHAVAN V.

JUDGE

Sd/-

K. V. JAYAKUMAR

JUDGE

Msp

APPENDIX OF WP(C) NO. 13541 OF 2013

PETITIONER EXHIBITS

- EXHIBIT P1 TRUE COPY OF THE SCHEME DATED 4TH MAY 1966.
- EXHIBIT P2 TRUE COPY OF THE POWER OF ATTORNEY DATED 8/12/2010 EXECUTED BY THE FIRST PETITIONER IN THE NAME OF THE SECOND PETITIONER.
- EXHIBIT P3 TRUE COPY OF THE COMMUNICATION DATED 21/5/2013 SENT TO THE 1ST RESPONDENT BY THE 1ST PETITIONER.
- EXHIBIT P3 (a) TRUE COPY OF THE COMMUNICATION DATED 13.04.2013 SENT TO THE 1ST RESPONDENT BY THE 1ST PETITIONER.
- EXHIBIT P4 TRUE COPY OF THE LETTER DATED 15.05.2013 SENT BY THE 2ND PETITIONER TO THE 1ST RESPONDENT.
- EXHIBIT P5 TRUE COPY OF THE COMMUNICATION BY THE PERINTHALMANNA CIVIL INSPECTOR PURPORTING TO ASSUME CHARGE AS THE EXECUTIVE OFFICER.
- EXHIBIT P6 TRUE COPY OF ORDER NO. J3/3129/2013/MDB DATED 01-08-2017 ISSUED BY THE COMMISSIONER, MALABAR DEVASWOM BOARD, KOZHIKODE ALONG WITH A LETTER SIGNED BY SRI. DINESH, INSPECTOR, MALABAR DEVASWOM BOARD, PERINTHALMANNA.
- EXHIBIT P7 TRUE COPY OF COMMUNICATION DATED 17-05-2013 ISSUED BY R1
- EXHIBIT P8 TRUE COPY OF LETTER OF RESIGNATION DT. 10-04-2017 BY THE 1ST PETITIONER TO R1
- EXHIBIT P9 TRUE COPY OF ADVERTISEMENT PUBLISHED IN THE MALAYALA MANORAM DAILY DATED 12.05.2023
- EXHIBIT P10 TRUE COPY OF THE COMMUNICATION NO.A1-505/21/MDB(OA 11/18) DATED 28.10.2021 ISSUED BY THE DEPUTY COMMISSIONER OF THE MALABAR DEVASWOM BOARD.
- EXHIBIT P11 TRUE COPY OF COMMUNICATION DATED 18..07..2023 SENT BY SHRI SREEDHARA VARMA RAJA TO THE EXECUTIVE OFFICER OF THE THIRUMADHAMKUNNU BHAGAVATHY DEVASWOM
- EXHIBIT P12 TRUE COPY OF COMMUNICATION DATED 06..08..2023 SENT BY SHRI SREEDHARA VARMA RAJA TO THE

EXECUTIVE OFFICER OF THE THIRUMADHAMKUNNU
BHAGAVATHY DEVASWOM

- EXHIBIT P13 TRUE COPY OF LETTER DATED 06..11..2021 SENT BY SHRI SREEDHARA VARMA RAJA TO THE COMMISSIONER OF THE MALABAR DEVASWOM BOARD
- EXHIBIT P14 TRUE COPY OF LETTER NO. TBD-605/2024 DATED 25..02..2025 SENT BY THE EXECUTIVE OFFICER OF THE THIRUMADHAMKUNNU BHAGAVATHY DEVASWOM TO THE APPLICANT HEREIN
- EXHIBIT P15 TRUE COPY OF NOTICE NO. TBD-245/2023 DATED 14..07..2025 ISSUED BY THE EXECUTIVE OFFICER OF THE THIRUMADHAMKUNNU BHAGAVATHY DEVASWOM TO THE APPLICANT HEREIN
- EXHIBIT P16 TRUE COPY OF NOTICE BEARING NO. TBD-245/2023 DATED 19..09..2025 ISSUED BY THE EXECUTIVE OFFICER OF THE THIRUMADHAMKUNNU BHAGAVATHY DEVASWOM TO THE APPLICANT HEREIN
- EXHIBIT P17 TRUE COPY OF COMMUNICATION NO. TBD-2 - 855/2023(2) DATED 08..10..2025 SENT BY THE EXECUTIVE OFFICER OF THE THIRUMADHAMKUNNU BHAGAVATHY DEVASWOM TO THE APPLICANT HEREIN
- EXHIBIT P18 TRUE COPY OF COMMUNICATION NO. TBD-2-937/2023 DATED 17..10..2025 BY THE EXECUTIVE OFFICER OF THE THIRUMADHAMKUNNU BHAGAVATHY DEVASWOM TO THE APPLICANT HEREIN

RESPONDENT EXHIBITS

- EXHIBIT R1 (a) TRUE COPY OF THE ORDER OF COMMISSIONER DATED 25-05-2013
- EXHIBIT R1 (b) TRUE COPY OF THE LETTER DATED 17-04-2013
- EXHIBIT R1 (c) TRUE COPY OF THE LETTER DATED 02-05-2013
- EXHIBIT R1 (d) TRUE COPY OF THE PETITION ALONG WITH ENCLOSURES DATED 02-05-2013
- EXHIBIT R1 (e) TRUE COPY OF THE EMAIL ADDRESS DATED 13-05-2013
- EXHIBIT R1 (f) TRUE COPY OF THE LETTER DATED 15-05-2013
- EXHIBIT R1 (g) TRUE COPY OF THE LETTER DATED 17-05-2013



- EXHIBIT R1 (h) TRUE COPY OF THE PRELIMINARY REPORT DATED 05-08-2017 SUBMITTED BY THE ADDL.3RD RESPONDENT TO THE 1ST RESPONDENT.
- EXHIBIT R1 (i) TRUE COPY OF THE AUDIT REPORT NO. KSAMPLP5-455/2015 DATED 19.12.2015 BY THE LOCAL FUND AUDIT DEPARTMENT.
- EXHIBIT R1 (j) TRUE COPY OF REPORT DATED 09-08-2017 OF THE ASSISTANT COMMISSIONER, TIRUR.
- EXHIBIT R3 (1) PHOTOCOPY OF THE MINUTES OF MEETING DATED 18.09.2017
- EXHIBIT R3 (2) THE PHOTOCOPY OF THE PRESS RELEASE DATED 15-11-2017.
- EXHIBIT R3 (3) THE PHOTOCOPY OF THE NEWS ITEMS PUBLISHED IN MALAYALA MANORAMA DAILY DATED 17-11-2017
- EXHIBIT R3 (4) THE PHOTOCOPY OF THE NEWS ITEMS PUBLISHED IN MALAYALA MANORAMA DAILY DATED 11-09-2017
- EXHIBIT R3 (5) THE PHOTOCOPY OF THE NEWS ITEMS PUBLISHED IN MALAYALA MANORAMA DAILY DATED 11-09-2017
- EXHIBIT R3 (6) THE PHOTOCOPY OF THE NEWS ITEMS PUBLISHED IN MALAYALA MANORAMA DAILY DATED 11-09-2017
- EXHIBIT R3 (7) THE PHOTOCOPY OF NEWS ITEM THAT APPEARED IN MATRUBHOOMI DAILY DATED 17-10-2017
- EXHIBIT R3 (8) THE PHOTOCOPY OF NEWS ITEM PUBLISHED IN MATRUBHOOMI DAILY DATED 20-10-2017 REGARDING 'MAHAMANGALYA POOJA'
- EXHIBIT-R3 (a) TRUE COPY OF THE AUDIT REPORT NO.KSAMPLP4-633/2018 DATED 02.07.2019 OF THE LOCAL FUND AUDIT DEPARTMENT.
- EXHIBIT-R (b) TRUE COPY OF THE LETTER DATED 22-07-2019 ISSUED BY SRI.K.C.JANARDHANAN RAJA, THE HEREDITARY TRUSTEE TO THE 3RD RESPONDENT.
- EXHIBIT-R3 (c) TRUE COPY OF THE LETTER DATED 16-08-2019 ISSUED BY SRI.K.C.JANARDHANAN RAJA, THE HEREDITARY TRUSTEE TO THE 3RD RESPONDENT.
- EXHIBIT-R3 (d) TRUE COPY OF THE LETTER DATED 14-09-2019 ISSUEDBY SRI.K.C.JANARDHANAN RAJA, THE HEREDITARY TRUSTEE TO THE 3RD RESPONDENT.
- EXHIBIT-R3 (e) TRUE COPY OF THE ABSTRACT DATED 25-07-2019 OF



- THE HUNDIAL ASSORTMENT REGISTER (PAGES 154-155) OF SREE THIRUMANDHAMKUNNU BHAGAVATHI DEVASWAM.
- EXHIBIT-R3 (f) TRUE COPY OF THE ABSTRACT DATED 29-08-2019 OF THE HUNDIAL ASSORTMENT REGISTER (PAGES 169-170) OF SREE THIRUMANDHAMKUNNU BHAGAVATHI DEVASWAM.
- EXHIBIT R3 (g) TRUE COPY OF THE SCHEDULE OF ESTABLISHMENT DATED 01-01-1995 OF SREE THIRUMANDHAMKUNNU BHAGAVTHI DEVASWOM
- EXHIBIT R3 (h) TRUE COPY OF THE SCHEDULE OF ESTABLISHMENT OF THE YEAR 2005 OF SREE THIRUMANDHAMKUNNU BHAGAVTHI DEVASWOM
- EXHIBIT R3 (i) TRUE COPY OF THE REPORT DATED 27-06-2007 OF THE INSPECTOR, PERINTHALMANNA, HR& CE (ADMN) DEPT REGARDING THE ILLEGAL PURCHASE OF SANDAL WOOD.
- EXHIBIT R3 (j) TRUE COPY OF THE COMPLAINT DATED 10-07-2007 SUBMITTED BY N.R.SAMBASHIVAN AND 20THERS TO THE FOREST CONSERVATOR, OLAVAKKODE, PALAKKAD
- EXHIBIT R3 (k) TRUE COPY OF THE LETTER NO.A2-416/08 ISSUED BY FOREST CONSERVATOR, KOZHICODE TO PV RAVINDRANATH
- EXHIBIT R3 (l) TRUE COPY OF THE AUDIT REPORT NO.LFHRE(P) 7-509/2009 DATED 08-12-2009 OF THE SREE THIRUMANDHAMKUNNU BHAGAVTHI DEAVSWOM FOR THE YEAR 2008
- EXHIBIT R3 (m) TRUE COPY OF THE SHOW CAUSE NOTICE NO.J5-5840/2009/MDB DATED 05-09-2012ISSUED BY THE 2ND RESPONDENT COMMISSIONER
- EXHIBIT R3 (n) TRUE COPY OF THE LETTER NO.J5-4709/2013 (MDB) (KDIS) DATED 16-06-2014 ISSUED BY THE 2ND RESPONDENT TO THE TRUSTEE.
- EXHIBIT R3 (o) TRUE COPY OF THE ORDER NO.TBD-1776/2013 DATED 30-06-2014 BY STOPPING PAYMENT OF SALARY TO THE 41 EMPLOYEES
- EXHIBIT R3 (p) TRUE COPY OF THE AUDIT REPORT NO.KSAMPLP 4-419/2017 DATED 1-09-2017 FOR THE YEAR 2014 & 2015 (RELEVANT PAGES 1 TO 27 ONLY)
- EXHIBIT R3 (q) TRUE COPY OF THE GO(RT) NO.2175/2020/RD DATED



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W.P(C).No.13541/2013 and connected cases

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12-06-2020 ISSUED BY THE GOVERNMENT OF KERALA.

EXHIBIT R3 (r) TRUE COPY OF THE LETTER NO.J5-2317/2013/MDB DATED 17-05-2015 ISSUED BY THE 2ND RESPONDENT.

EXHIBIT R3 (s) TRUE COPY OF THE ORDER NO.J5-2317/2013/MDB DATED 25-05-2013 ISSUED BY THE 2ND RESPONDENT.

EXHIBIT R3 (t) TRUE COPY OF THE TRUSTEE MINUTES DATED 01-02-2020

EXHIBIT R3 (u) TRUE COPY OF THE TRUSTEE MINUTES DATED 30-12-2020

EXHIBIT R3 (v) TRUE COPY OF THE LETTER DATED 02-05-2013 ISSUED BY THE 2ND RESPONDENT TO THE TRUSTEE

APPENDIX OF WP(C) NO. 13495 OF 2022

PETITIONER EXHIBITS

- Exhibit P1 TRUE PHOTOCOPY OF THE NOTICE DATED 30.06.2014 ISSUED BY THE MANAGER OF THE 4TH RESPONDENT.
- Exhibit P2 TRUE PHOTOCOPY OF THE ORDER DATED 16.,06.2014 ISSUED BY THE 2ND RESPONDENT NO.J5/4700/2013 MDB (KDS).
- Exhibit P3 TRUE PHOTOCOPY OF THE PETITION DATED 30.06.2014 ALONG WITH ITS ANNEXURES FILED BEFORE THE 1ST RESPONDENT.
- Exhibit P4 TRUE PHOTOCOPY OF THE RELEVANT PAGES OF THE MINUTES OF THE MEETING OF THE 3RD RESPONDENT DATED 07.05.2015.
- Exhibit P5 TRUE PHOTOCOPY OF THE JUDGMENT DATED 05.11.2019 IN WPC NO.17010/2014 PASSED BY THIS HON'BLE COURT.
- Exhibit P6 TRUE PHOTOCOPY OF THE ORDER NO.GO(RT) NO.2175/2020/RD DATED 12.06.2020 PASSED BY THE REVENUE (DEVASWOM) DEPARTMENT.
- Exhibit P7 TRUE PHOTOCOPY OF THE ORDER NO/.GO(RT) NO.2175/2020/RD DATED 12.06.2020 WHICH WAS COMMUNICATED VIDE LETTER DATED 19.06.2020 PASSED BY THE 2ND RESPONDENT.
- Exhibit P8 TRUE PHOTOCOPY OF THE ORDER DATED 19.08.2020 PASSED BY THE 4TH RESPONDENT (NO.TBD 434/2020).
- Exhibit P9 A TRUE PHOTOCOPY OF THE PROCEEDINGS IN WPC NO.22681/2020.
- Exhibit P10 A TRUE COPY OF THE LETTER DATED 22-06-2025 ISSUED BY THE 5TH RESPONDENT TO THE PETITIONER NO.3



APPENDIX OF WP(C) NO. 12598 OF 2020

PETITIONER EXHIBITS

EXHIBIT P1 TRUE COPY OF INTIMATION DT.30.06.2014 ISSUED BY THE MANAGER OF R4

EXHIBIT P2 TRUE COPY OF CIRCULAR DT.16.06.2014 ISSUED BY R2

EXHIBIT P3 TRUE COPY OF REVISION PETITION T.30.06.2014 SUBMITTED BY THE PETITIONERS BEFORE R1

EXHIBIT P4 TRUE EXTRACT OF MINUTES OF THE MEETING HELD ON 07.05.2015 BY THE MALABAR DEVASWOM BOARD

EXHIBIT P5 TRUE COPY OF JUDGMENT DT.05.11.2019 IN WP(C) NO.17010/2014

EXHIBIT P6 TRUE COPY OF GO(RT) NO.2175/2020/RD DT 12.06.2020 ISSUED BY R1

EXHIBIT P7 TRUE COPY OF ORDER NO.TBD 434/2020 DTD.19.06.2020 ISSUED BY R5

EXHIBIT P8 A TRUE COPY OF THE HEARING NOTE

EXHIBIT P9 A TRUE COPY OF NOTIFICATION DATED 3-11-2024

EXHIBIT P10 A TRUE COPY OF THE NOTIFICATION DATED 1-8-2025

APPENDIX OF WP(C) NO. 23487 OF 2021

PETITIONER EXHIBITS

- EXHIBIT P1 TRUE COPY OF THE LETTER NO.TBD/-1776/2013 DATED 30.06.2014 ISSUED BY THE MALABAR DEVASWOM BOARD.
- EXHIBIT P2 TRUE COPY OF THE ORDER OF THE COMMISSIONER, MALABAR DEVASWOM BOARD DATED 16.06.2014 WITH TYPED COPY.
- EXHIBIT P3 TRUE COPY OF THE REVISION PETITION ALONG WITH ANNEXURES DATED NIL.
- EXHIBIT P4 TRUE EXTRACT OF THE RELEVANT PAGE OF THE MINUTES OF THE MEETING HELD ON 7.5.2015 BY THE MALABAR DEVASWOM BOARD.
- EXHIBIT P5 TRUE COPY OF THE JUDGMENT DATED 05.11.2019 IN WRIT PETITION (C) 17010/2014.
- EXHIBIT P6 TRUE COPY OF GOVERNMENT ORDER NO.GO(RT) NO.2175/2020/RD DATED 12.06.2020 ISSUED BY THE PRINCIPAL SECRETARY TO GOVERNMENT, REVENUE, DEVASWOM DEPARTMENT.
- EXHIBIT P7 TRUE COPY OF THE ORDER DATED 25.06.2020 IN WRIT PETITION 12598/2020.
- EXHIBIT P8 TRUE COPY OF THE TERMINATION ORDER NO.TBD 434/2020 DATED 19.06.2020 ISSUED BY THE EXECUTIVE OFFICER.
- EXHIBIT P9 TRUE COPY OF THE ORDER NO.H6/857/2020/ MDB DATED 19.06.2020 ISSUED BY THE COMMISSIONER.
- EXHIBIT P10 TRUE COPY OF THE APPLICATION DATED 20.10.2021 SUBMITTED BY THE 1ST PETITIONER BEFORE THE COMMISSIONER.
- EXHIBIT P11 TRUE COPY OF THE APPLICATION DATED 20.10.2021 SUBMITTED BY THE 2ND PETITIONER BEFORE THE COMMISSIONER.
- EXHIBIT P12 TRUE COPY OF THE ORDER DATED 28.09.2021 IN IA 8/2020 IN WRIT PETITION NO.12598/2020 OF THIS HON'BLE COURT.

APPENDIX OF WP(C) NO. 26462 OF 2021

PETITIONER EXHIBITS

- EXHIBIT P1 TRUE COPY OF THE SCHEME EVOLVED IN THE MATTER OF SRI.THIRUMANDHAMKUNNU BHAGAVATHY TEMPLE, ANGADIPURAM.
- EXHIBIT P2 TRUE COPY OF THE ORDER DATED 24.1.2013 ISSUED BY THE HEREDITARY TRUSTEE OF THE 4TH RESPONDENT DEVASWOM APPOINTING THE 1ST PETITIONER AND THE 2ND PETITIONERS TO THE TWO RETIREMENT VACANCIES OF SWEEPER (ATTENDER GRADE) .
- EXHIBIT P3 TRUE COPY OF THE ORDER DATED 31.1.2014 ISSUED BY THE HEREDITARY TRUSTEE OF THE 4TH RESPONDENT DEVASWOM, CONFIRMING THE 1ST AND 2ND PETITIONERS TO THEIR POSTS.
- EXHIBIT P4 TRUE COPY OF THE ORDER DATED 4.7.2008 ISSUED BY THE HEREDITARY TRUSTEE OF THE 4TH RESPONDENT DEVASWOM APPOINTING THE 2ND PETITIONER TO THE VACANCY THAT AROSE IN CLEANING SECTION (SWEEPER GRADE) .
- EXHIBIT P5 TRUE COPY OF THE ORDER DATED 31.1.2016 ISSUED BY THE HEREDITARY TRUSTEE OF THE 4TH RESPONDENT DEVASWOM, CONFIRMING THE 3RD PETITIONER TO HER POST.
- EXHIBIT P6 TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE HUSBAND OF THE 4TH PETITIONER.
- EXHIBIT P6 (a) TRUE COPY OF THE DISABILITY CERTIFICATE ISSUED TO THE HUSBAND OF THE 4TH PETITIONER.
- EXHIBIT P7 TRUE COPY OF THE ORDER DATED 2.5.2012 ISSUED BY THE HEREDITARY TRUSTEE OF THE 4TH RESPONDENT DEVASWOM APPOINTING THE 4TH PETITIONER TO THE VACANCY THAT AROSE IN CLEANING SECTION (SWEEPER GRADE) .
- EXHIBIT P8 TRUE COPY OF THE ORDER DATED 6.12.2012 ISSUED BY THE HEREDITARY TRUSTEE OF THE 4TH RESPONDENT DEVASWOM, CONFIRMING THE 4TH PETITIONER TO HER POST.
- EXHIBIT P9 TRUE COPY OF THE LETTER DATED 30.6.2014 ISSUED BY THE MANAGER OF THE 4TH RESPONDENT



DEVASWOM.

- EXHIBIT P10 TRUE COPY OF THE ORDER BEARING J5/4709/2013/M.D.B.(K.DIS.) DATED 16.6.2014.
- EXHIBIT P11 TRUE COPY OF THE COMMON JUDGMENT IN WP(C) NO.23149 OF 2009 AND WP(C) NO.34920 OF 2010 PASSED BY THIS HON'BLE COURT DATED 1.9.09.
- EXHIBIT P12 A TRUE COPY OF THE SAID REVISION PETITION ALONG WITH ANNEXURES.
- EXHIBIT P13 A TRUE EXTRACT OF THE RELEVANT PAGE OF THE MINUTES OF THE MEETING HELD ON 7.5.2015 BY THE 3RD RESPONDENT BOARD.
- EXHIBIT P14 A TRUE COPY OF THE JUDGMENT DATED 5.11.2019 PASSED BY THIS HON'BLE COURT IN WP(C) NO.17010 OF 2014.
- EXHIBIT P15 A TRUE COPY OF THE ORDER BEARING G.O.(RT) NO.2175/2020/RD DATED 19.6.2020 ISSUED BY THE 1ST RESPONDENT, REMITTING THE MATTER TO THE 2ND RESPONDENT, BY THE 1ST RESPONDENT.
- EXHIBIT P16 A TRUE COPY OF THE DIRECTION BEARING NO.H 857/2020 DATED 19.6.2020 ISSUED BY THE 2ND RESPONDENT TO THE 5TH RESPONDENT.
- EXHIBIT P17 A TRUE COPY OF THE ORDER BEARING NO.T.B.D.434/2020 ISSUED BY THE 5TH RESPONDENT DATED 19.6.2020.
- EXHIBIT P18 TRUE COPY OF THE REPRESENTATION DATED 2.7.2020 PREFERRED BY THE 1ST PETITIONER BEFORE THE 2ND RESPONDENT AND THE PRESIDENT OF THE 3RD RESPONDENT BOARD.
- EXHIBIT P18(a) TRUE COPY OF THE REPRESENTATION DATED 2.7.2020 PREFERRED BY THE 1ST PETITIONER BEFORE THE 2ND RESPONDENT AND THE PRESIDENT OF THE 3RD RESPONDENT BOARD.
- EXHIBIT P18(b) TRUE COPY OF THE REPRESENTED PREFERRED BY THE 3RD PETITIONER BEFORE THE 2ND RESPONDENT DATED 29.6.2020.
- EXHIBIT P18(c) TRUE COPY OF THE REPRESENTED PREFERRED BY THE 4TH PETITIONER BEFORE THE 2ND RESPONDENT AND THE PRESIDENT OF THE 3RD RESPONDENT BOARD DATED 29.6.2020.
- EXHIBIT P18(d) TRUE COPY OF THE REPRESENTED PREFERRED BY THE



4TH PETITIONER BEFORE THE 2ND RESPONDENT AND THE PRESIDENT OF THE 3RD RESPONDENT BOARD DATED 30.6.2020.

EXHIBIT P19 TRUE COPY OF THE INTERIM ORDER DATED 25.6.2020 OF THIS HON'BLE COURT, ORDERING THE RESPONDENTS TO MAINTAIN STATUS QUO TILL THE DATE OF NEXT HEARING.

EXHIBIT P20 TRUE COPY OF THE ORDER DATED 11.11.2021 OF THIS HON'BLE COURT IN I.A.NO.3 OF 2021 IN WP(C) NO.12598 OF 2020.

RESPONDENTS EXHIBITS

EXHIBIT R5 (a) TRUE COPY OF THE ORDER NO.H6/857/2020 DATED 19-06-2020 ISSUED BY THE 2ND RESPONDENT TO THE 5TH RESPONDENT

EXHIBIT R5 (b) TRUE COPY OF THE ORDER DATED 19-06-2020 ISSUED BY THE 5TH RESPONDENT.

EXHIBIT R5 (c) TRUE COPY OF THE REPORT DATED 19-06-2020 RECEIVED FROM THE ASSISTANT MANAGER OF THE TEMPLE.

EXHIBIT R5 (d) TRUE COPY OF THE NOTICE PUBLISHED ON THE NOTICE BOARD OF THE ANGADIPURAM GRAMA PANCHAYATH DATED 19-06-2020.

EXHIBIT R5 (e) TRUE COPIES OF THE POSTAL RECEIPTS DATED 20-06-2020 (28 NO'S).

EXHIBIT R5 (f) TRUE COPY OF THE WORKING ARRANGEMENTS DATED 19-06-2020 ISSUED BY THE 5TH RESPONDENT.

EXHIBIT R5 (g) TRUE COPY OF THE REPORT DATED 20-06-2020 SUBMITTED BY THE 5TH RESPONDENT TO THE 2ND RESPONDENT.