

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

MONDAY, THE FIFTEENTH DAY OF JULY TWO THOUSAND AND TWENTY FOUR ✓

:PRESENT:

THE HONOURABLE SRI JUSTICE PULLA KARTHIK ✓

WRIT PETITION NO: 18720 OF 2024 ✓

Between:

1. Koti Srیمان Narayana Charyulu, S/o Koti Ramakrishnama Charyulu
2. Amaravadhi Murali Kishnama Charyulu, S/o Jaganadha Charyulu

Petitioners

AND

1. The State of Telangana, Represented by its Principal Secretary, Endowments Department, Secretariat, Hyderabad, Telangana
2. Endowments Department, Represented by its Commissioner, Abids, Hyderabad, Telangana

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus declaring the action of Respondents in issuing G.O.Ms.No.80, Finance (HRM.I) Department dated 03/07/2024, read with GO MS No. 64, Revenue (Endowments I) Department, dated 18/06/2019, and in revoking the ban on transfer of employees, especially Pujaris and Archakas as arbitrary, illegal, unjust, and in violation of Fundamental Rights guaranteed under Article 14, 19, 21, and 26 of the Constitution of India and to consequently to declare the same as null and void and not binding on the Petitioners herein;

IA NO: 2 OF 2024

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to grant stay of transfer of the Petitioners in pursuant to G.O. Ms. No. 80, Finance (HRM.I) Department dated 03/07/2024, read with GO MS No. 64 Revenue (Endowments I) Department dated 18/06/2019, to the extent it concerns Archakas/Priests of Temples pending disposal of WP 18720 of 2024, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri DEEPAK MISRA, Advocate for the Petitioners, the Court made the following;

ORDER

Notice before admission.

Learned Government Pleader for Endowments takes notice on behalf of the respondents, waives further notice and seeks time to file counter.

In view of this waiver, Registry is directed not to take out notices to the respondents.

Learned counsel for the petitioners submits that the petitioners are Archakas and the practice of Archakas, pujaris, pundits, etc., is to perform pujas, archana, doopdeepa and naivedya seva to the deities according to the procedure and practice of each temple, specified shastras, i.e. agama shastra and various samithas prescribed for each temple. Puja services in the country are multifarious age-old culture and it is abundant by various pujas and various Hindu ceremonies performed to the various deities and different to each temple. In Shiva temple, most of the priests are shivaiets/lingaits and in vaishnou temples, the puja is performed mostly by trained vyosvanits pandit/pujaris. There is a difference in performing pujas in each temple. The puja varies according to sect, religion, deityhonoured and the steps followed. In formal ceremonies, fire may lit in the honor of God without an idol or image present. Thus, the learned counsel strenuously contends that in the above backdrop of the matter, the action of the respondents in proposing to take up transfers ignoring the above facts and circumstances, is highly illegal and arbitrary. In support of his submissions, he relied on the decisions of Hon'ble Apex Court in *Dr.Subramanian Swamy v. State of Tamil Nadu and others* ((2014) 5 SCC 75) and *Srivari Daada v. Tirumala Tirupati Devasthanams* (Special Leave to Appeal C No.6554/2021, dated 16.11.2021).

Section 142 of the Endowments Act reads as follows:

“142. Nothing In this Act shall—

(a) affect any honor to which any person is entitled by custom, the performance of or interference with the religious worship, ceremonies and poojas in religious institutions according to the sampradayams and Agamas followed in such institutions; or
(b) authorize any interference with the religious or spiritual functions of the head of a math including those relating to the imparting of religious instructions or rendering of spiritual service.”

Having regard to the submissions made by the petitioners and in view of the law laid down by the Hon'ble Apex Court in the aforesaid decisions, there shall be interim stay to the transfers of the petitioners in pursuance of G.O.Ms.No.80 Finance (HRM.I) Department, dated 03.07.2024 read with G.O.Ms.No.64 Revenue (Endowments-I) Department, dated 18.06.2019.

Post on 30.08.2024.

//TRUE COPY//

SD/- T.TIRUMALA DEVI
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary, Endowments Department, State of Telangana, Secretariat, Hyderabad, Telangana
2. The Commissioner, Endowments Department, Abids, Hyderabad, Telangana (for 1 & 2 by RPAD)
3. One CC to SRI. DEEPAK MISRA, Advocate [OPUC]
4. Two CCs to GP FOR ENDOWMENTS, High Court at Hyderabad. [OUT]
5. One spare copy

AR

HIGH COURT

PKJ

DATED:15/07/2024

POST ON 30.08.2024



ORDER

WP.No.18720 of 2024

INTERIM STAY