

(2011) 04 KL CK 0089

In the High Court Of Kerala

Case No : Writ Petition (C) No. 8975 of 2011 (V)

C.N. Krishnan Namboothiri

APPELLANT

Vs

The Travancore Devaswom Board, The Commissioner and The
State of Kerala

RESPONDENT

Date of Decision : 25-04-2011

Acts Referred:

Citation : (2011) 04 KL CK 0089

Hon'ble Judges : Thottathil B. Radhakrishnan, J;S.S. Satheesachandran, J

Bench : Division Bench

Advocate : M.C. Sen, for the Appellant; No Appearance, for the Respondent

Judgement

Thottathil B. Radhakrishnan, J.—These writ petitions are filed raising questions touching the qualifications, including educational, as also experience, prescribed for being considered for appointment as Melsanthi in Sabarimala temple. The controversies relate to different benchmarks which are now insisted by the Devaswom Board. It includes the question as to whether only the experience gained under the Board has to be reckoned or whether experience in different other temples could also be considered. Various other questions, including those relating to educational qualifications, on which we are not dilating, are also made subject matter of these writ petitions.

2. During the course of consideration of these matters, we found that the Hon'ble Supreme Court of India has, in Civil Appeal Nos. 2570-2571 of 2003, referred for mediation to the Hon'ble Mr. Justice K.T. Thomas, a former Judge of the Hon'ble Supreme Court, the matters which are captioned in the order dated 15.11.2010. The said order reads as follows:

Civil Appeal Nos. 2570 and 2571 of 2003 [High Court Ref. O.P. No. 19832 of 2002 (J)]

Learned Counsel for the parties agree that these matters may be referred for mediation to Hon'ble Mr. Justice K.T. Thomas, a former Judge of this Court, who

lives in Kottayam, Kerala. Hon"ble Mr. Justice K.T. Thomas has given his consent for the same. He may fix his own terms of emoluments, and other requirements including secretarial assistance, which will be provided by the parties.

The parties are directed to appear before Hon"ble Mr. Justice K.T. Thomas on 16.12.2010 with a copy of this Order at 11 a.m.

The Registry is directed to send forthwith the papers of these matters along with a copy of this Order to Hon"ble Mr. Justice K.T. Thomas.

List these matters after receipt of the report from Hon"ble Mr. Justice K.T. Thomas.

3. It was agreed before the Supreme Court by learned Counsel for parties that those matters may be referred for mediation.

4. Perusing the grounds in that Special Leave Petition, we find that the challenge before the Hon"ble Apex Court against the decision of this Court was composite one. It contains challenge to the decision as regards the identity of the persons who could be on the Selection Committee. It also contains challenge to the yardsticks for selection of Melsanthies. The copy of the SLP was made available to us by the standing counsel for the Board as part of the current file maintained by the Board in relation to C.A. Nos. 2570 of 2003 and 2571 of 2003. Looking into the files, we see that the grounds raised in the SLP which arose from O.P.19832 of 2002 of this Court, include specific challenge to the High Court's decision on the issue regarding the requirement of 10 years' continuous service as a Santhi in any of the important temples in Kerala as compulsory for the purpose of being considered for appointment as Melsanthies in the Sabarimala temple. We are not presently persuaded to take a contrary view because we see that the entire dispute pending before the Hon"ble Apex Court was referred to mediation.

5. With the aforesaid, we are of the view that any adjudication or verdict by us at this point of time would only interfere with the due process which is being had by recourse to mediation at the instance of the Apex Court.

In the result, these writ petitions are closed leaving open all questions and without prejudice to the Petitioners or the impleading Petitioners seeking appropriate reliefs at the appropriate time from the appropriate forum.