



2025:KER:72399

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

&

THE HONOURABLE MR.JUSTICE K. V. JAYAKUMAR

MONDAY, THE 29TH DAY OF SEPTEMBER 2025 / 7TH ASWINA, 1947

SSCR NO. 24 OF 2025

(IN THE MATTER OF TRAVANCORE DEVASWOM BOARD - SABARIMALA SPECIAL COMMISSIONER REPORT - SM. NO. 24/2025 - REPORT REGARDING THE STEPS TO BE TAKEN TO ENSURE FAIRNESS, TRANSPARENCY AND ADHERENCE TO THE PRESCRIBED GUIDELINES FOR THE INTERVIEW OF CANDIDATES TO BE SELECTED FOR SHORTLISTING TO THE DRAW OF LOTS FOR THE SELECTION OF MELSHANTHIS TO THE SABARIMALA SREE DHARMASHASTHA TEMPLE AND MALIKAPPURAM TEMPLE FOR THE YEAR 1201 M.E (2025-2026) - SUO MOTU PROCEEDINGS INITIATED - REG.)

PETITIONER:

SUO MOTU

RESPONDENTS:

- 1 STATE OF KERALA, REPRESENTED BY THE PRINCIPAL SECRETARY TO GOVERNMENT, REVENUE (DEVASWOM) DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM 695001
- 2 THE TRAVANCORE DEVASWOM BOARD, REPRESENTED BY ITS SECRETARY, NANTHANCODE, KAWDIAR POST, THIRUVANANTHAPURAM 695 003
- 3 THE DEVASWOM COMMISSIONER, TRAVANCORE DEVASWOM BOARD, DEVASWOM BUILDING, NANTHANCODE, THIRUVANANTHAPURAM 695003
- 4 EXECUTIVE OFFICER
SABARIMALA, SABARIMALA P.O., PATHANAMTHITTA 689662

ADV. S. RAJMOHAN, SR. GP
ADV. G. BIJU, SC FOR TDB
ADV.SAYUJYA RADHAKRISHNAN, SC FOR HPC

THIS SABARIMALA SPECIAL COMMISSIONER REPORT HAVING BEEN FINALLY HEARD ON 26.09.2025, THE COURT ON 29.09.2025 DELIVERED THE FOLLOWING:



JUDGMENT

K. V. Jayakumar, J.

The Special Commissioner, Sabarimala, has filed this report regarding the steps to be taken to ensure fairness, transparency and adherence to the prescribed guidelines for the interview of candidates to be shortlisted for selection of Melsanthies at the Sabarimala Sree Dharma Sastha Temple and Malikappuram Temple, for the year 1201 ME (2025-2026).

2. Sabarimala Sree Dharma Sastha Temple, which is situated inside Periyar Tiger Reserve, is a prominent pilgrim centre in Kerala, where lakhs of devotees trek the rugged terrains of Western Ghats to have darshan of Lord Ayyappa. Sabarimala Sree Dharma Sastha Temple and Malikappuram Temple come under the Travancore Devaswom Board. By reason of the custom and tradition, Melsanthies of the Temples are selected every year. The tenure of the Melsanthies is for one year from the 1st of Vrischikam to the 31st of Thulam next year.

3. In **Mohandas Embranthiri v. Travancore Devaswom Board¹**, in the context of selection of Melsanthi of Sabarimala Sree Dharma Sastha Temple, a Division Bench of this Court held that the Travancore Devaswom Board, being a State under Article 12 of the Constitution of India, cannot choose any person as Melsanthi without any guidelines. For every year, the choosing of Melsanthi has to be done only after proper selection. The Division Bench noticed that the notification issued by the Travancore Devaswom Board

¹ 2001 (1) KLT 203



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inviting applications for the selection of Melsanthi of Sabarimala Sree Dharma Sastha Temple, for one year starting from 31st Thulam, 1176, mentions the basic qualifications necessary for being selected and that, those who have got basic qualifications will be interviewed by the Committee, which will include the Thanthri. On the basis of the interview, a short list will be prepared. The selection will be made from the candidates included in the short list on the basis of lot in front of the sanctum *sanctorum*. The Interview Board should consist of persons who have knowledge of the subject on which the questions are put. The Division Bench noticed that the purpose of the interview is to get the best persons for the appointment of Melsanthi at Sabarimala Temple. The knowledge of the candidates in the three topics should be assessed, which can be done with the experts in the field.

4. The issue relating to the procedure for selection of Melsanthies of Sabarimala Sree Dharma Sastha Temple and Malikappuram Temple went up to the Apex Court. When a challenge was carried against earlier orders issued by this Court, the Apex Court by the order dated 15.11.2010 in Civil Appeal No.2570-71 of 2003 referred the matter for mediation. The ‘Terms of Settlement’ arrived at between the parties were placed on record along with the report of the Mediator. The said ‘Terms of Settlement’ fundamentally related to composition of selection committee for interviewing and awarding marks for selecting Melsanthies of Sabarimala Sree Dharma Sastha Temple and Malikappuram Temple. By the order dated 06.09.2011, the Apex Court disposed of Civil Appeal No.2570-71 of 2003 in terms of the ‘Terms of Settlement’ arrived at between the parties. The said ‘Terms of Settlement’ read thus;



"Terms of Settlement:-

1) The composition of the Selection Committee (for interviewing and awarding marks for selecting "Melsanthi" for both Sabarimala and Malikappuram temples) was one of the seriously contested issues. All parties, after detailed discussions, agreed to have the Selection Committee consist of the following persons:

- A. i) President of TDB.
- ii) The Member of TDB.
- iii) The remaining Member of TDB.
- iv) The Commissioner of TDB.

- B. i) The Senior Thanthri of "Thazhamon Illam/Madom"
- ii) The Junior Thanthri of "Thazhamon Illam / Madom"

C. The "Outside Thanthri" selected in the process indicated in Clause (a) of Para.2 below:

2) The following modalities have been agreed upon by all as to the formation of the Selection Committee:

a. The Thazhamon Illam (hereinafter referred to as "the Illam" for short) will send up names of three persons whom they consider eminent Thanthries to TDB. Keeping those names in serious consideration, TDB will draw up a list of ten persons who are eminent Thanthries. That list will be forwarded to the Senior Raja of Pandalam Royal family (hereinafter referred to as "Senior Raja"). The latter will choose five names from the said list and forward such names to the Illam. The Senior Thanthri of the Illam will choose one of them and communicate the same to TDB. Thereupon, proceedings will be drawn up by TDB appointing the chosen person as the "Outside Thanthri" to be on the selection panel. TDB will notify the same. This panel will be valid for one year. But the same procedure will be adopted for composition of the Selection Committee thereafter also year after year, unless there is statutory intervention.

b. It is made clear that if Illam is not sending up the names to TDB within one week of receipt of a requisition for that purpose



made by TDB, it is open to TDB to prepare the panel of names and send it to the Senior Raja. Similarly, if Senior Raja is not sending the names chosen by him to the Illam, within one week of receipt of the panel from TDB, it is open to TDB to request Thazhamon Illam to choose one name from the original panel prepared by TDB.

c. If the Illam is not selecting one person from the panel sent by the Senior Raja (or by TDB as the case may be) within a reasonable period, it is open to TDB to choose one from the panel already formulated by them and notify him as the "Outside Thanthri" to be on the Selection Committee.

The above is only for composition of the Selection Committee. The next task is to select the "Melsanthies".

d. TDB will make the names of all the applicants available on their web site, so that it is open to the Senior Raja to find out whether there is any blemish for any of the applicants and communicate that fact to TDB and or to the Senior Thanthri, well ahead of commencement of the selection process.

e. Next is the preparation of a list of selected candidates after holding the interview of the applicants by the members of the Selection Committee.

While interviewing candidates for "Melsanthies" the members of the Selection Committee can award a total of 90 marks. Out of the 90 marks, 30 marks are set apart for the President, Members and Commissioner of TDB for putting such questions as are deemed necessary for eliciting general knowledge of each candidate and to test his personality. The remaining 60 marks are set apart for putting questions to elicit candidates' knowledge in Sanskrit, poojas, rites, Tanthric Rituals and other religious matters. Questions in this regard shall be put by the remaining Members of the Selecting Committee formulated above. Out of the 60 marks thus set apart for eliciting the candidates' knowledge in Sanskrit, poojas, etc. the Unit comprising of the Senior Thanthri and Junior Thanthri of Thazhamon Illam/ Madom together can award marks up to 30. The other Unit (the "Outside Thanthri") can award marks up to 30.

f. After the Selection Committee finalises the list of selected candidates for both Sabarimala and Malikappuram the final choice



will be made by draw of lot. The Senior Raja agreed to depute a male child (not above the age of ten) for Sabarimala and a female child (not above the age of ten) for Malikappuram for the purpose of drawing the lot. If male/female child for the above purpose is not deputed by the Senior Raja within a reasonable period, it is open to TDB to arrange for draw of lot in such manner as they deem fit.

3) All parties agreed that the appeals can be disposed of in terms of the above settlement."

5. In **Krishnan Namboothiri S. v. Travancore Devaswom Board and others**², in the context of selection of Melsanthies of Sabarimala Sree Dharma Sastha Temple and Malikappuram Temple, another Division Bench of this Court held that, selection to the post of Melsanthi cannot be treated as a selection merely for public employment and the canvas in which grounds relating to Articles 14, 16, etc., of the Constitution of India would be etched, will not necessarily be carried, as a whole, into such matters. The scheme of the settlement and purpose of the selection to provide Melsanthies of Sabarimala Sannidhanam and Malikappuram temples have to be borne in mind and cohesively treated while assimilating and applying the terms of the settlement. The Division Bench, though declined interference with the selection process, indicated before parting with the case that once the terms of mediation settlement came to be in operation, the guarantee to the pilgrims, believers, worshippers and the faithful followers is that the selection process once carried through the system of the terms of that settlement will give them two persons who will occupy the adorable status of being the Melsanthies of Sabarimala Sannidhanam and Malikappuram temples. When

² 2015 (5) KHC 829



such seeds of faith are intricately connected with religion, judicial review is impermissible to embark upon and consider any rival claims in the manner as is sought to be raised in the writ petitions. This is all the more so when no breach of the Constitution of India is demonstrated.

6. The captioned report filed by the Special Commissioner, Sabarimala, pertains to the selection of Melsanthies of Sabarimala Sree Dharma Sastha Temple and Malikappuram Temple, for the year 1201 ME (2025-2026), regarding the steps to be taken to ensure fairness, transparency and adherence to the prescribed guidelines for the interview of candidates to be shortlisted for the selection. In the captioned report, the Special Commissioner has pointed out the orders of this Court dated 10.10.2018 and 29.10.2018 in SSCR No.17 of 2018; the order dated 26.07.2019 in SSCR No.11 of 2019 and DBA No.7 of 2019; the order dated 25.09.2020 in SSCR No.10 of 2020 and DBA No.10 of 2020; the order dated 28.09.2021 in SSCR.No.5 of 2021; the order dated 22.09.2022 in SSCR No.12 of 2022; order dated 11.09.2023 in SSCR No.23 of 2023; and order dated 05.09.2024 in SSCR No.64 of 2024.

7. For the selection of Melsanthies of Sabarimala Sree Dharma Sastha Temple and Malikappuram Temple, for the year 1201 ME (2025-2026), applications have been called for and 119 applications (70 for Sabarimala and 49 for Malikappuram) came up for consideration. After the Vigilance enquiry, 53 applications were recommended for interview at Sabarimala and 36 applications for Malikappuram, which are scheduled to be held on 03.10.2025 and 04.10.2025, at the Travancore Devaswom Board Head Office, Thiruvananthapuram.

8. After considering the averments in the above report of the Special Commissioner, Sabarimala and also the submissions made by the learned



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Standing Counsel for the Travancore Devaswom Board, the learned Senior Government Pleader and also the learned Amicus Curiae for Special Commissioner, Sabarimala, we are of the view that, in the matter of selection of Melsanthies of Sabarimala Sree Dharma Sastha Temple and Malikappuram Temple, for the year 1201 ME (2025-2026), conducted in terms of the order of the Apex Court dated 06.09.2011 in Civil Appeal No.2570-71 of 2003, the guidelines/directions issued in the orders of this Court dated 10.10.2018 and 29.10.2018 in SSCR No.17 of 2018; the order dated 26.07.2019 in SSCR No.11 of 2019 and DBA No.7 of 2019; the order dated 25.09.2020 in SSCR No.10 of 2020 and DBA No.10 of 2020; the orders dated 28.09.2021 and 13.10.2021 in SSCR No.5 of 2021; the order dated 22.09.2022 in SSCR No.12 of 2022; the order dated 11.09.2023 in SSCR No.23 of 2023; and order dated 05.09.2024 in SSCR No.64 of 2024 are to be strictly followed by the Selection Committee. It is ordered accordingly.

9. By the order dated 22.09.2022 in SSCR No.12 of 2022, the Senior Raja of Pandalam Royal Family was directed to depute a male child (not above the age of 10 years) for Sabarimala and a female child (not above the age of 10 years) for Malikappuram for the purpose of drawing the lot, as per clause 2(f) of the settlement, for selection of Melsanthies of Sabarimala Sree Dharma Sastha Temple and Malikappuram Temple, for the year 1198 ME (2022-23). The said direction, which was reiterated for the year 1199 ME (2023-24) is reiterated for the current year, i.e., 1201 ME (2025-2026).

10. For the year 1201 ME (2025-2026), for the selection of Melsanthies of Sabarimala Sree Dharma Sastha Temple and Malikappuram Temple, an interview is scheduled to be held on 03.10.2025 and 04.10.2025, at the Travancore Devaswom Board Head Office, Thiruvananthapuram. From



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among the successful candidates, shortlists will have to be prepared and Melsanthies of Sabarimala Sree Dharma Sastha Temple and Malikappuram Temple will have to be selected by draw of lots. The constitution of the Selection Committee, award of marks, etc., are settled as per the order of the Apex Court dated 06.09.2011 in Civil Appeal No.2570-71 of 2003 and also the guidelines/directions issued in the orders of this Court in SSCR No.17 of 2018; SSCR No.11 of 2019 and DBA No.7 of 2019; SSCR No.10 of 2020 and DBA No.10 of 2020; SSCR No.5 of 2021; SSCR No.12 of 2022; SSCR 23 of 2023; and SSCR No.64 of 2024.

11. Having perused the report of the Special Commissioner, Sabarimala, we appoint **Mr. Justice T.R. Ramachandran Nair**, a former Judge of this Court, as the 'Observer' and request him to oversee the proceedings for selection of Melsanthies of Sabarimala Sree Dharma Sastha Temple and Malikappuram Temple, for the year 1201 ME (2025-2026) at the Travancore Devaswom Board Head Office, Thiruvananthapuram. We also request him to be there in Sabarimala at the time of the draw of lots. We direct the Travancore Devaswom Board to arrange necessary conveyance and accommodation for the Observer.

12. The Observer appointed by this Court for the year 1195 ME (2019-20) reported a wide difference in the marks awarded by the three Tantries at the time of interview. Therefore, it was observed in the said report that it would be better if the Observer is directed to file a report before the lots are taken, so that the mark list can be verified by this Court, in order to ensure that the interview was conducted in a fair manner. That suggestion is made with a bona fide intention to ensure that an upper hand is not actually given to any particular candidate by anyone by granting excessive marks.



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13. The learned Standing Counsel for the Travancore Devaswom Board would submit that the interview is scheduled to be held on 03.10.2025 and 04.10.2025 from 09:00 a.m. onwards.

14. The entries in the mark sheet shall be made only by using a 'ballpoint pen'. The mark sheets shall be countersigned by the Observer and shall be kept in safe custody of the Commissioner of the Travancore Devaswom Board. The entire proceedings scheduled to be held on 03.10.2025 and 04.10.2025, at the Travancore Devaswom Board Head Office, Thiruvananthapuram, shall be video-graphed.

15. The entry of persons to the 'Sopanam enclosure' of Sabarimala Sree Dharma Sastha Temple, at the time of draw of lots, shall be in terms of the direction contained in the judgment dated 09.11.2023 in W.P.(C)No.35545 of 2023.

16. The Observer is requested to file a report before this Court after the culmination of the interview for selection of Melsanthies of Sabarimala Sree Dharma Sastha Temple and Malikappuram Temple, for the year 1201 ME (2025-26).

17. After the interview, the Special Commissioner, Sabarimala, shall file a report before this Court, which shall be listed before the Bench on the very next working day. The Commissioner of the Travancore Devaswom Board shall produce the CD of the selection proceedings, mark lists and also the short list before this Court, in a sealed cover, through the learned Standing Counsel for the Travancore Devaswom Board, immediately, at any rate, on or before **13.10.2025**. After the production of the mark lists, shortlist and the CD of the selection proceedings, Travancore Devaswom Board may proceed with the draw of lots, subject to orders to be passed by this Court on



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perusal of the report of the Observer, the short list and the CD of the selection proceedings.

18. Registry shall ensure that copy of this order and also copy of the orders of this Court dated 10.10.2018 and 29.10.2018 in SSCR No.17 of 2018; the order dated 26.07.2019 in SSCR No.11 of 2019 and DBA No.7 of 2019; the order dated 25.09.2020 in SSCR No.10 of 2020 and DBA No.10 of 2020; the orders dated 28.09.2021 and 13.10.2021 in SSCR.No.5 of 2021; order dated 22.09.2022 in SSCR No.12 of 2022; order dated 11.09.2023 in SSCR No.23 of 2023; order date 05.09.2024 in SSCR No.64 of 2024 and judgment dated 09.11.2023 in W.P.(C)No.35545 of 2023 are furnished to Mr.Justice T.R. Ramachandran Nair, the Observer.

19. With the above observations, this SSCR is disposed of.

The report to be filed by the Special Commissioner, Sabarimala, in terms of the directions contained in this order shall be numbered as SSCR. The report of the Observer in a sealed cover shall be placed before the Devaswom Bench along with the SSCR.

Sd/-

**RAJA VIJAYARAGHAVAN V
JUDGE**

Sd/-

**K. V. JAYAKUMAR
JUDGE**