

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 28.09.2016
CORAM
THE HONOURABLE MR. JUSTICE R.SUBBIAH
Writ Petition No.33888 of 2016

Tamil Nadu Arasu Podu Noolaga Thurai
Paniyalar Kazhagam (C &D)
No.737, LLA Building, Anna Salai
Chennai 600 002
rep.by its State President
M.Rajeshkumar

... Petitioner

vs.

1. The State of Tamil Nadu
rep.by its Principal Secretary to the Government
School Education Department,
Secretariat
Fort St.George
Chennai 600 009.
2. The Director of Public Libraries
(Incharge), No.73/1, Anna Salai
Chennai 600 002.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the first respondent State Government to fill up the post of Director of Public Libraries with qualified persons on regular basis as per service rules notified in G.O.Ms.No.102, School Education (PL.1) Department dated 01.07.2013, within a time frame that may be fixed by this Court.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.S.Gunasekaran
Additional Government Pleader

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ORDER

By consent, the main writ petition itself is taken up for final disposal.

2. The petitioner association has come up with the present writ petition for a mandamus, directing the first respondent-State Government to fill up the post of Director of

Public Libraries with qualified persons on regular basis as per service rules notified in G.O.Ms.No.102, School Education (PL.1) Department dated 01.07.2013, within a time frame fixed by this Court.

3. It is the case of the petitioner association that it is a registered association under the provisions of Tamil Nadu Societies Act, 1975. It has been formed with a laudable object of protecting the interest of its members, who are working as Librarians in the Department of Public Libraries. The Government issued orders in G.O.Ms.No.1034, Education Department dated 5.7.1992 for constituting Directorate of Public Libraries. Subsequently, the Adhoc Rules for Director of Public Libraries were framed. As per the Adhoc Rules, for the post of DPL, the appointment shall be made by promotion from the post of Librarian, Connemara Public Library, Madras or by transfer from any other class in the said service or recruitment by transfer from any other service. Though adhoc rules were framed as early as in the year 1974, since there is no person with qualification for the post of DPL working in the department, all along, the post of DPL is filled up by following the second method of appointment. While so, one Anbalagan, who was not eligible for the post of DPL, was appointed as DPL and hence, a writ petition in W.P.No.3272 of 2012 came to be filed before this Court challenging his appointment and this Court by order dated 11.4.2012, suggested the State Government to amend the service rules. Consequent to the said order, the Government issued notification in G.O.Ms.No.102, School Education Department dated 1.7.2013 by amending the rules. However, after amending the rules, no further steps have been taken by the respondents to fill up the post of DPL. In this regard, the petitioner association sent several representations to the respondents requesting them to fill up the post of DPL. But, their request was not considered. Finally, they sent a representation dated 4.7.2016 to the first respondent. Since the same was also not considered, left with no other alternative, the petitioner association has come up with the present writ petition for the relief set out earlier.

4. I have heard the learned counsel appearing for the petitioner association and the learned Additional Government Pleader, who has taken notice on behalf of the respondents.

5. Considering the facts and circumstances of the case and considering the submissions made on either side, without going into the merits of the claim made by the petitioner association, this Court directs the first respondent to consider the representation of the petitioner association dated 4.7.2016 and pass appropriate orders, on merits and in accordance with law, within a period of six weeks from the date

of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The Principal Secretary to the Government
State of Tamil Nadu
School Education Department,
Secretariat
Fort St.George
Chennai 600 009.
2. The Director of Public Libraries
(Incharge), No.73/1, Anna Salai
Chennai 600 002.

+1 cc to Mr.G.Sankaran Advocate sr 55773

W.P.No.33888 of 2016

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