

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2016

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THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition Nos.40089 and 40116 of 2016

R.Srirangan ... Petitioner in
W.P.No.40089/2016

M.Muniappan ... Petitioner in
W.P.No.40116/2016

vs.

- 1 The Secretary to Government
of Tamil nadu Education Department Fort St
George Chennai-600 009
- 2 The Director of public
Libraries Govt. of Tamil Nadu Office of the
Director of the Public Libraries Anna Salai
Chennai-600 002
- 3 The District Library Officer
Office of the District Library Officer
Erode District ... Respondents in
both the writ petitions.

Writ petitions have been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to consider the petitioners' qualification and experience for the post of Village Librarian and appoint them with effect from May 2013 and May 2014 respectively when the petitioners herein became qualified for the said post within a time frame fixed by this Court.

For Petitioner : Mr.M.Purushothaman,
in both the writ petitions

For Respondents : Mr.N.Srinivasan,
Addl. Govt. Pleader
in both the writ petitions.

COMMON ORDER

By consent, the main writ petitions themselves are taken up for final disposal.

2. The petitioners have come up with the present writ petitions for a mandamus, directing the respondents to consider their qualification and experience for the post of Village Librarian and appoint them with effect from May 2013 and May 2014 respectively when they became qualified for the said post within a time frame fixed by this Court.

3. Since the issue involved in both the writ petitions is one and the same, they are disposed of by way of common order.

4. It is the case of the petitioners that they were appointed as Part Time Librarians by the third respondent at Nathipalayam and Sangaragoundanpalayam respectively on 28.6.1992 and 1.6.1991 respectively. After joining service, they have completed 12th Standard and acquired Certificate Programme in Library and Information Science (C.L.I.S.) in May 2013 and May 2014 respectively. As per G.O.(1D) No.156, School Education Department dated 10.9.1998, the part time Librarians, who were appointed through employment exchange and who had rendered five years of service could be absorbed as Village Librarians. The said Go was further amended by G.O.(1D) No.422, dated 10.12.2012. It was further amended that the appointment of Village Librarians shall be made as hereunder:-

" Appointment to the post shall be made,

(i) by transfer from the part time Librarians, who were appointed through the employment exchange and have put in five years of service in that post; or

(ii) by direct recruitment. "

In fact, this Court in W.P.Nos.12007 and 12009 of 2008 by order dated 28.3.2013, held that similar part time Librarians have to be absorbed as Village Librarians and the same was upheld by the Division Bench of this Court in W.A.No.1363 of 2014 by judgment dated 10.11.2014. Pursuant to the said orders, the first respondent issued G.O.(1D) No.166, School Education Department dated 2.5.2016, thereby absorbed the petitioner therein as Village Librarian with effect from the date on which he became qualified. Since the petitioners are also similarly placed persons, they sent a representation to the respondents seeking appointment to the post of Village Librarian. Since the same was not considered so far, left with no other alternative, the petitioners have come up with the present writ petitions.

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

6. Considering the facts and circumstances of the case and considering the submissions made on either side, without going into the merits of the claim projected by the petitioners, this Court directs the petitioners to send a fresh / individual representations along with a copy of this order to the second respondent within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the second respondent is directed to consider the said representations seeking appointment to the post of Village Librarians and pass appropriate orders, on merits and in accordance with law and in the light of the judgment of the Division Bench of this Court dated 10.11.2014 made in W.A.No.1363 of 2014 and as per G.O.(1D) No.166, School Education Department dated 2.5.2016, within a period of four weeks thereafter. Both the writ petitions are disposed of accordingly. No costs.

Sd/-
Asst.Registrar (CS)

/true copy/

Sub Asst. Registrar

To

- 1 The Secretary to Government
of Tamil nadu Education Department Fort St
George Chennai-600 009
- 2 The Director of public
Libraries Govt. of Tamil Nadu Office of the
Director of the Public Libraries Anna Salai
Chennai-600 002
- 3 The District Library Officer
Office of the District Library Officer
Erode District

+1 cc to Mr.M.Maruthachalam, advocate,sr.65604

+4 cc's to M.Purushothaman,advocate,sr.66373, 66372 (24/11)

+1 cc to Government Pleader,sr.66091.

nr(co)
krd 22/11

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