



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

ORDER RESERVED ON:07.12.2016

ORDER PRONOUNCED ON: 22.12.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.A. (MD) No.638 of 2014
and
M.P. (MD) .No.1 of 2013

- 1.The State of Tamil Nadu,
rep.by its Secretary,
Education Department,
Fort.St.George,
Chennai-9
 - 2.The Director of Public Libraries,
Anna Salai, Chennai.
 - 3.The District Library Officer,
O/o.District Library Office,
Tirunelveli-627 002,
Tirunelveli District
- ... Appellants/Respondents

Vs

M.P.Meenakshi ... Respondent /Writ Petitioner

Writ Appeal is filed under Clause 15 of Letters Patent against the order dated 22.08.2013 made in W.P.(MD).No.12595 of 2011.

Prayer in WP(MD). 12595/ 2011 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a WRIT OF MANDAMUS, directing the Respondents to appoint the Petitioner as Village Librarian in Tirunelveli District within the time stipulated by this Honourable Court.

For Appellants :Mr.VR.Shanmuganathan
Special Government Pleader

For Respondent :Mr.T.Lajapathiroy

JUDGMENT

[Judgment of the Court was delivered by **J.NISHA BANU, J.**]

By consent, this Writ Appeal is taken up for final disposal. The appellants herein are the respondents in W.P(MD). No.12595 of 2011 and the respondent herein is the Writ petitioner in the said Writ Petition. However, for the sake of convenience, the parties are referred to as per the rank mentioned in the Writ Petition.

2. This Writ Appeal has been filed against the order dated 22.08.2013 made in W.P.(MD).No.12595 of 2011, in and by which, the appellants herein were directed to regularise the services of the the respondent herein with effect from the date on which which she became qualified for such absorption, on par with other similarly placed candidates, after relaxing the requirement of sponsorship through employment exchange.

3. The Writ Petitioner herein would aver among other things in the affidavit filed in support of the Writ Petition that the Writ Petitioner after completion of her Higher Secondary Course in the year 1989, she did her Certificate Course in Library and Information Science (in short 'CLIS') in the year 2007. She was appointed as part-time librarian in Munnerpallam Village, Tirunelveli District on 25.01.1993 and thereafter, she served as part-time librarian in and around Tirunelveli District. While so, the first respondent passed G.O.(1D).No.250, School Education (K1) Department dated 18.11.2005 to regularise the services of the part-time Village Librarians who was not sponsored through employment exchange on completion of five years and on completion of the Certificate Course in Library and Information Science called as 'CLIS' as an one time measure. According to the Writ Petitioner, there were 28 part time librarians, who were not appointed at the time of passing the Government Order, as they did not complete the qualification prescribed by the Government and subsequently, 21 persons got absorbed as Village Librarians on the ground that they pursued the CLIS subsequently. The Writ Petitioner acquired the qualification of passing CLIS subsequently and gave the representation for regularisation of her service for which there was no reply and therefore, she filed W.P(MD).No.12595 of 2011 and this Court allowed the said Writ Petition by stating that there was no dispute that the Writ Petitioner hold the educational qualifications of a pass in the Certificate Course and she had been working as part-time librarians for the past more than 20 years and therefore, atleast from the date of fulfilment of the qualifications and other requirements, the Writ Petitioner was entitled to regular absorption. Aggrieved over the same, the respondents are before this Court.



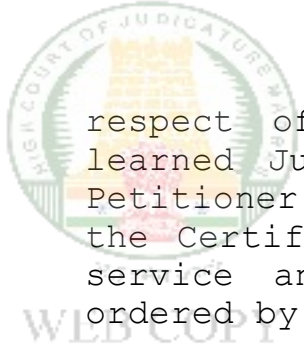
4. The respondents would contend that G.O.Ms.No.243, School Education (K1) Department, dated 27.11.2006 was issued as one time measure for appointment of 554 persons who had been working as Village Librarians and therefore, the petitioner was not appointed as she did not possess the CLIS course. Further, she was not sponsored through employment exchange and hence, she is not entitled for regular absorption. The Writ Petitioner cannot claim equity and if she is appointed it will be a back door entry which will be against the order passed by this Hon'ble Court.

5. Considered the submissions made on either side and perused the material available on record.

6. The Government had passed G.O.(1D).No.250, School Education (K1) Department dated 18.11.2005 to absorb the Village Librarians who was not appointed through employment exchange and it appears that the Writ Petitioner herein is one among the 155 employees. She was not appointed as she did not possess the Certificate Course of CLIS course at the time of passing the Government order. She acquired qualification subsequently like few others. It also appears that a few persons was appointed with subsequent qualification of CLIS and they were absorbed. It is also seen that G.O.(1D).No.250, School Education (K1) Department dated 18.11.2005 is passed specifically to accommodate the persons who were appointed between 1989 and 1995 and this Writ Petitioner was appointed in the year 1993 as if the case of the Writ Petitioner is not considered, it would only amount to violation of Articles 14 and 16 of the Indian Constitution of India.

7. As the Writ Petitioner has been claiming rights through the specific orders under G.O.(1D).No.250, School Education (K1) Department dated 18.11.2005, it cannot be denied by the Government and it is not denied by the respondents that similarly placed candidates like the petitioner who acquired the certificate of CLIS subsequently were appointed. It is also seen that even subsequently two individuals who are similarly placed persons like that of the petitioner filed Writ Petitions before the High Court and orders were passed in favour of the them and the Writ Appeals preferred by the respondents therein got dismissed and the Government had also implemented the order.

8. Apart from that, on a perusal of the Government order, it is seen that no such requirement could be seen that for appointment of part time librarians, it should be sponsored through employment exchange only. It is also seen in the case on hand that some of the conditions were relaxed from time to time to absorb the part-time Village Librarians. It is further seen that several orders are before the Court where regularisation is done <https://hcservices.ecourtsonline.gov.in/hcservices/> names were not recommended through the employment exchange and once they complete sufficient length of service, the Government has ordered granting such regularisation even in the



respect of part time employees which is well founded by the learned Judge. Also, today, there is no dispute that the Writ Petitioner also possess the educational qualification and passed the Certificate Course in CLIS and put in more than 23 years of service and therefore, she is entitled for regularisation as ordered by the learned Judge.

9. In conclusion, this petitioner also stands in the same footing as that of the other part-time librarians and we are of the view that the order passed by the learned Judge does not warrant any interference at the hands of this Court.

10. For the foregoing reasons, this Writ Appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar

ssm

To:

1.The Secretary, The State of Tamil Nadu,
Education Department, Fort.St.George,
Chennai.

2.The Director of Public Libraries,
Anna Salai, Chennai.

3.The District Library Officer, O/o.District Library Office,
Tirunelveli-627 002, Tirunelveli District.

+1CC to Spl.Government Pleader Sr.No.83608

+1CC to Mr.T.Lajapathi Roy, Advocate Sr.No.83007

GJM/MP/VR/31.1.17-4p-6c

W.A(MD).No.638 of 2014
22.12.2016