



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.09.2016

CORAM

THE HON'BLE Dr.JUSTICE S.VIMALA**W.P(MD) No.17359 of 2016**

WEB COPY

D.Suganya

... Petitioner

-vs-

1.The State of Tamil Nadu,
rep.by its Secretary,
Higher Education Department,
Fort St.George,
Chennai.

2.The Secretary,
The Tamil Nadu Public Service Commission,
O/o. the Tamil Nadu Public Service Commission,
Chennai - 3.

3.The Director of Higher Education,
O/o. the Director of Higher Education Office,
9th Floor, EVK Sampath Building,
College Road,
Chennai - 6.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the 2nd respondent to select the petitioner's candidature (Registration No. 00101071) for appointment to the post of college Librarian in Government College in pursuant to the notification issued by the 2nd respondent in Advertisement No.233 dated 17.02.2010 in the available vacancies more particularly in the vacancy belonging to BC(Muslim) category caused due to the paucity of the candidate and by considering petitioners representation dated 02.07.2016.

For Petitioner : Mr.H.Mohammed Imran

For RR - 1 & 3 : Mr.S.Chandrasekar
Government Advocate

For R - 2 : Mr.K.K.Senthil

**O R D E R**

This Writ petition has been filed seeking a direction to the second respondent to select the petitioner (Registration No.00101071) for appointment to the post of college Librarian in a Government College, pursuant to the notification issued by the second respondent in Advertisement No.233 dated 17.02.2010 in the available vacancies, more particularly in the vacancy belonging to BC (Muslim) category caused due to paucity of candidate, by considering petitioner's representation dated 02.07.2016.

2.Heard the learned counsel for the petitioner, the learned Government Advocate who takes notice for the respondents 1 and 3 and the learned counsel appearing for the second respondent. By consent, the writ petition itself is taken up for final disposal at the stage of admission.

3.The case of the petitioner is that she belonged to Backward Community and she has qualified herself with B.B.A., Master of Librarian Science and M.Phil. She has also cleared SLET examination. The second respondent has issued notification dated 17.02.2010, calling for applications for the post of Librarian in Government Colleges and the number of notified vacancies is 56. The petitioner applied for the said post and attended the examination held on 20.06.2010. Meantime, as per direction given by the second respondent, number of vacancies were reduced to 37. By applying roaster system, 27 candidates were selected. Out of 37 vacancies, 9 posts could not be filled up due to paucity of candidates.

4.The main contention of the petitioner is that in respect of BC (Muslim) vacancy is concerned, the same could not be carried forward and if there is no Muslim candidate, the same should be filled up by the existing persons.

5.The learned counsel appearing for the second respondent would submit that it is not known whether the petitioner has been selected and if so, it is not known, her eligibility can be considered and these matters shall be looked into at the time of consideration of the petitioner's representation.

6.Accordingly, the second respondent is directed to consider the representation of the petitioner dated 02.07.2016 and to pass orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.



7.The Writ Petition is disposed of with the above direction. No costs.

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/True copy/

Sd/-

Assistant Registrar (CS-I)

Sub Assistant Registrar

To

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

2.The Director of Higher Education,
O/o. the Director of Higher Education Office,
9th Floor, EVK Sampath Building,
College Road,
Chennai - 6.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate, SR No.52623

+1 CC to M/s.K.K.SENTHIL, Advocate, SR No.52671

+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No.52854

W.P(MD)No.17359 of 2016

SH/SKS-RR:20.10.2016:3P/6C