

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Coram

Dated: 12.01.2017

The Honourable Mr. JUSTICE M.SATHYANARAYANAN

Writ Petition No.1059 of 2017

1. M.Ramesh Kumar
2. V.K.Ramalingam
3. K.Pakkiyam
4. Anjalin Rose Mary

... Petitioners

-Vs-

1. Government of Tamil Nadu
represented by its Secretary,
Education Department,
Fort St.George,
Chennai - 600 009.
2. The Director of Public Library,
Anna Salai, Chennai - 600 002.
3. The District Library Officer,
Coimbatore District.

... Respondents

Writ Petition has been filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the first and second respondents to pass appropriate orders on the proposal sent by the third respondent in his proceedings in Na.Ka.No.4842/A1/2016 dated Nil.12.2016 signed on 08.12.2016 for appointing the petitioners to the post of Village Librarian in the light of the Judgment dated 10.11.2014 in w.A.No.1363 of 014 confirming the order dated 28.03.2013 in W.P.No.12007 and 12009 of 2009 within a specified time limit that may be prescribed by this Honourable Court.

For Petitioner : Mr.S.Mani

For Respondents : Mr.K.Dhananjayan,
Special Government Pleader

O R D E R

By consent, the writ petition is taken up for final disposal. Mr.K.Dhananjayan, learned Special Government Pleader accepts notice on behalf of the respondents.

2. The petitioners were appointed as Part time Village Librarian on 1.3.1996, 19.6.2000, 14.7.1993 and 8.10.1999 respectively and they are working in the capacity for more than 15 years and they possess necessary qualifications. The petitioners would state that by way of policy decision, the first respondent Government issued G.O.Ms.No.156, School Education Department dated 10.09.1998 to absorb Part time Librarian as Rural Librarian, as a one time measure, subject to the condition that they should be sponsored through Employment Exchange and completed 5 years of service as on 30.01.1996. It is further stated by the petitioners that it was found that there are 739 posts of Village Librarian lying vacant during the year 2006 and therefore, the Director of Public Library forwarded a proposal for absorption of 59 Part Time Librarians who have completed five years of service and 27 persons alone were sponsored through employment exchange, however, the others were also absorbed as Rural Librarians. Though the first respondent issued G.O.Ms.No.170, School Education Department dated 17.07.2007, bringing 27 persons in the cadre post of Rural Librarians who have completed 5 years of service, Tvl.D.Subramani and Loganathan have filed Writ Petition in w.P.Nos.12007 and 12009 of 2008 praying for absorption which was allowed on 28.03.2013. Challenge was made to the said order by the Official respondent in writ appeal in W.A.No.1363 of 2014 which also ended in dismissal by judgment dated 10.11.2014 and it was also given effect to by the first respondent by passing G.O.(D) No.166 dated 02.05.2015.

3. Learned counsel for the petitioners would submit that similarly placed persons like that of the petitioners, filed W.P.Nos.12007 and 12009 of 2008 and the same was allowed and a positive recommendation was also made by the 3rd respondent by proceedings dated 08.12.2016 and hence, prayed for appropriate orders.

4. The Court heard the submission of Mr.K.Dhananjayan, learned Government Pleader appearing on behalf of the respondents.

5. Though the petitioners pray for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim made by the petitioners, directs the 2nd respondent to act on the proposal of the 3rd respondent dated 08.12.2016 and forward the same to the

1st respondent within a period of six weeks from the date of receipt of a copy of this order and the first respondent, on receipt of the same is directed to consider the proposal on merits and in accordance with law in the light of the above said orders and judgment and pass orders within a further period of eight weeks therefrom and communicate the decision taken to the petitioners. The writ petition is disposed of accordingly. No costs.

sd/
Assistant Registrar(CSIII)

/true copy/

Sub Assistant Registrar

vsi

To

1. The Secretary,
Government of Tamil Nadu
Education Department,
Fort St.George,
Chennai - 600 009.
2. The Director of Public Library,
Anna Salai,
Chennai - 600 002.
3. The District Library Officer,
Coimbatore District.

+4cc to Mr.Mani Advocate, SR.No.3081.

+1cc to the Government Pleader SR.No.3539

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