

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.Nos.4835 & 4836/2017

P. Venkatachalam ..Petitioner in WP.No.4835/2017

A.Premanayagam ..Petitioner in WP.N.o.4836/2017

Vs

1. The Secretary to Government,
State of Tamil Nadu
Department of School Education,
Secretariat, Chennai-600 009.

2. The Director,
Directorate of Public Libraries,
737/1, Anna Salai,
Chennai- 600 002. .. Respondents in
both WPs

Prayer:- Writ Petitions filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing 1st respondent to include the petitioners' name in the proposed panel to be prepared for giving promotion to the post of District Library Officer in the existing vacancies and promote the petitioners as per the existing Service Rules by considering their representations dated 14.11.2016 and 18.02.2016.

For Petitioners in
both Writ Petitions : Mr. N.Manokaran

For Respondents in
both Writ Petitions : Mr. V. Anandamoorthy
AGP [Edn]

COMMON ORDER

By consent, the writ petitions are taken up together and disposed of by the following common order as the issue involved is one and the same. Mr.V.Anandamoorthy, learned Additional Government Pleader accepts notice on behalf of the respondents.

2 The petitioner in WP.No.4835/2017 as Steno-Typist Grade III in the Judicial Ministerial Service on 04.04.1996 and that got relieved on 20.01.1997 and got his re-appointment to the same post on 26.02.1997 and served upto 09.02.1999. Subsequently, he was appointed in the existing regular vacancy to the post of Steno Typist by direct recruitment through the Tamil Nadu Public Service Commission in the District Library under Public Library Department on 26.03.1999 and his services were regularised with effect from that date and thereafter, got appointed as an Assistant by transfer from the post of Steno Typist Grade-III on 01.12.2006 and his services were regularised with effect from 02.09.2005. The petitioner got his promotion to the post of Superintendent on 26.07.2006 by the 2nd respondent and at present, he is working in that capacity in the District Library, Namakkal and his services were also regularised in the said post with effect from 26.07.2006.

3 The petitioner in WP.No.4836/2017 was appointed as a Junior Assistant in the Tamil Nadu Ministerial Service on 03.10.1997 and got his promotion to the post of Assistant on 15.11.2001 and got his further promotion to the post of Superintendent with effect from 09.06.2011 and at present working as Superintendent, in the District Library, Tuticorin District.

4 The petitioners would aver among other things that though the 1st respondent has enlisted the panel for the post of District Library Officer as on 01.03.2011 by relaxing the third mode of recruitment relating to the qualification of 5 years experience in the Libraries in a supervisory cadre in terms of G.O.Ms.No.109, Education Department, dated 07.05.2012, which is also in gross violation of the proviso to Rule 48 of the Tamil Nadu State and Subordinate Service Rules and that the 2nd respondent, vide proceedings dated 13.02.2017, had indicated that 13 persons are qualified for appointment as District Library Officer in the panel for the year 2017-18 and still there are 21 vacancies in existence to accommodate qualified and eligible Superintendents, which includes the petitioners herein and it can be made without relaxing any rules by preparing year-wise panel from the year 2011-2012 and orders of promotion can be issued in accordance with the said rules. The petitioners, in this regard, had also submitted representations dated

14.11.2016 and 18.02.2016 respectively to the 1st respondent through proper channel and though the said representations were received and acknowledged, so far no orders have been passed and hence, the petitioners came forward to file the present writ petitions.

5 The learned counsel for the petitioner has drawn the attention of this Court to the factual aspect as well as the Rule position and would submit that though the order of promotions issued by the 2nd respondent is in violation of the rules relating to the to the category of Librarian Grade -I and Inspector of Libraries, in the light of the fact that there are 21 vacancies still exist to accommodate qualified and eligible Superintendents, which include the petitioners and without relaxing any rules, their genuine claim may be directed to be considered positively and prays for appropriate orders.

6 The Court heard the submissions of Mr.V.Anandamoorthy, learned Additional Government Pleader [Edn] appearing for the respondents.

7 Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioners, directs the 1st respondent to act on the proposal sent by the 2nd respondent as well consider the representations of the petitioners dated 14.11.2016 and 18.02.2016 respectively on merits and in accordance with law and pass orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioners.

8 The writ petitions stand disposed of with the above directions. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

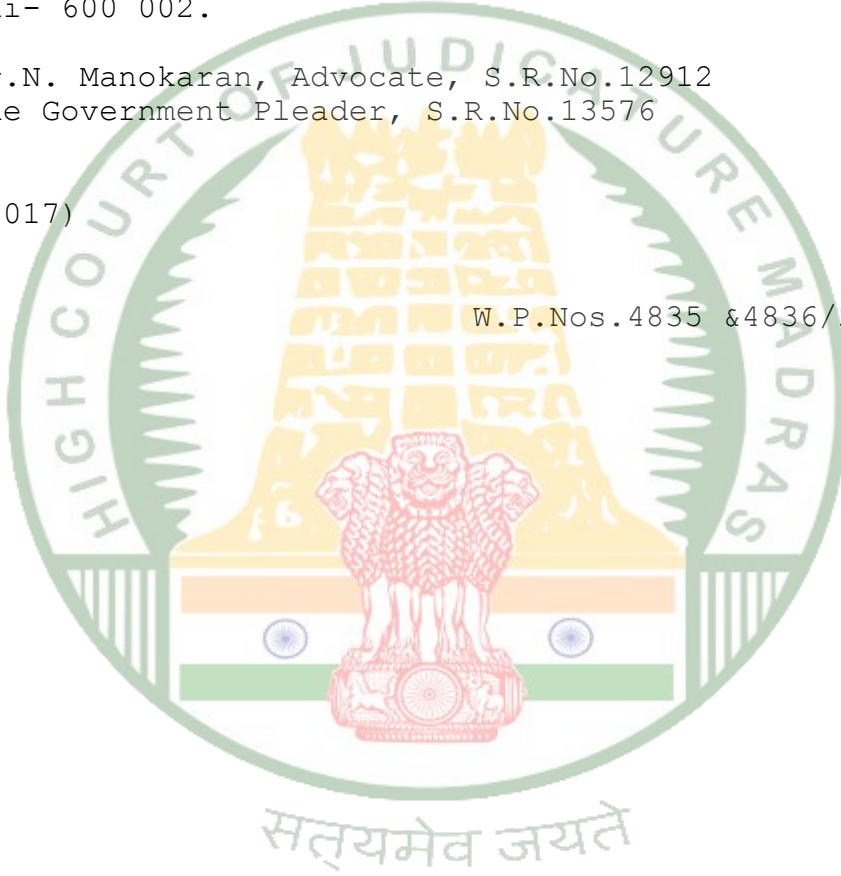
1. The Secretary to Government,
State of Tamil Nadu
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Secretariat, Chennai-600 009.

2. The Director,
Directorate of Public Libraries,
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Chennai- 600 002.

+1cc to Mr.N. Manokaran, Advocate, S.R.No.12912
+1cc to the Government Pleader, S.R.No.13576

md(14/03/2017)

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