

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.01.2017

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.349/2017

A.P.Sivakumar

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Petitioner

Vs

1.The Principal Secretary
Department of School Education,
Government of Tamilnadu
Fort St. George, Chennai 600 009.

2.The Director of Public Libraries
Directorate of Public Libraries
737/1, Anna Salai, Chennai 600002.

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Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the respondents to consider the petitioner's representation dated 29.11.2016 in the light of the principle laid down by the Division Bench of this Court in WA.No.1117/2012 dated 21.03.2013 [The Secretary, Revenue Department, Chennai-6 Vs. V.Madhurai].

For Petitioner : Mr.P.C.Harikumar
For RR 1 & 2 : Mrs.Vasudha Thiagarajan
AGP [Education]

ORDER

By consent, the writ petition is taken up for final disposal. Mrs.Vasudha Thiagarajan, learned Additional Government Pleader [Edn.] accepts notice on behalf of the respondents.

2.The petitioner would state that he was appointed as District Library Officer in the year 2002 in terms of G.O.[2D] No.22 dated 17.04.2002 of the 1st respondent and he claims to have continuously working as the District Library Officer for more than 13 years and his appointment in the State service pursuant to G.O.Ms.No.1234, Education Department dated 27.06.1981, has not been put to challenge. The petitioner would further aver that till the year 2006, as per the amendment made to Rule 42 of the Tamil Nadu Public Libraries Act and the Rules framed therein, the District Library Officer, shall be the appointing authority for the post of

Grade-III Librarian, Grade-II Librarian and Grade-I Librarian and other posts below the Grade-III Librarian and vide judgment dated 11.05.1992 made in OA.No.1370/1991 etc., batch, on the file of the Tamil Nadu State Administrative Tribunal, an order was passed to create 327 supernumerary posts and without complying the same, an appeal was preferred before the Hon'ble Apex Court and the same was ended in dismissal and despite the said dismissal, the order dated 11.05.1992 has not been complied with and adding salt to the wound, without receiving any show cause notice or opportunity, reversion order was passed reverting the petitioner from the post of District Library Officer to Grade-II Librarian vide G.O.Ms.No.9 dated 12.01.2015.

3.The learned counsel for the petitioner would submit that a challenge was made as against the order of the Tribunal, which was also ended in dismissal in WP.No.1419/2015 and an appeal in WA.No.1755/2015 was preferred by Tvl.Maheswaran, Manikandanand C.Asokan, who are similarly placed like that of the petitioner and a Division Bench of this Court has granted stay of the operation of G.O.Ms.No.9 dated 12.01.2015 on the file of the 1st respondent and therefore, praying for similar relief, the petitioner has also submitted a representation dated 29.11.2016 to the respondents 1 and 2 and though the said representation was received and acknowledged, he is yet to be favoured with any kind of response and hence, the petitioner came forward to file the present writ petition. The learned counsel, on instructions, would submit that though the petitioner was reverted to the post, he did not join duty for the past 1 ½ years and he is on eligible leave.

4 Heard the submissions of Mrs.Vasudha Thiagarajan, learned Additional Government Pleader [Edn.] appearing for the respondents.

5 This Court, taking into consideration the limited scope of prayer sought for by the petitioner and without going into the merits of the claim projected by the petitioner, directs the respondents to consider and dispose of the petitioner's representation dated 29.11.2016, on merits and in accordance with law, in the light of the interim order dated 04.04.2016 made in WA.No.1755/2015 and MP.No.1/2015 [Mr.N.Manigandan and 2 others V. The State of Tamil Nadu rep.by the Principal Secretary, Department of School Education, Chennai-9 and 2 others] and pass orders within a period of eight weeks from the date of a receipt of a copy of this order and communicate the decision taken, to the petitioner.

6 The writ petition stands disposed of with the above direction. No costs.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

To

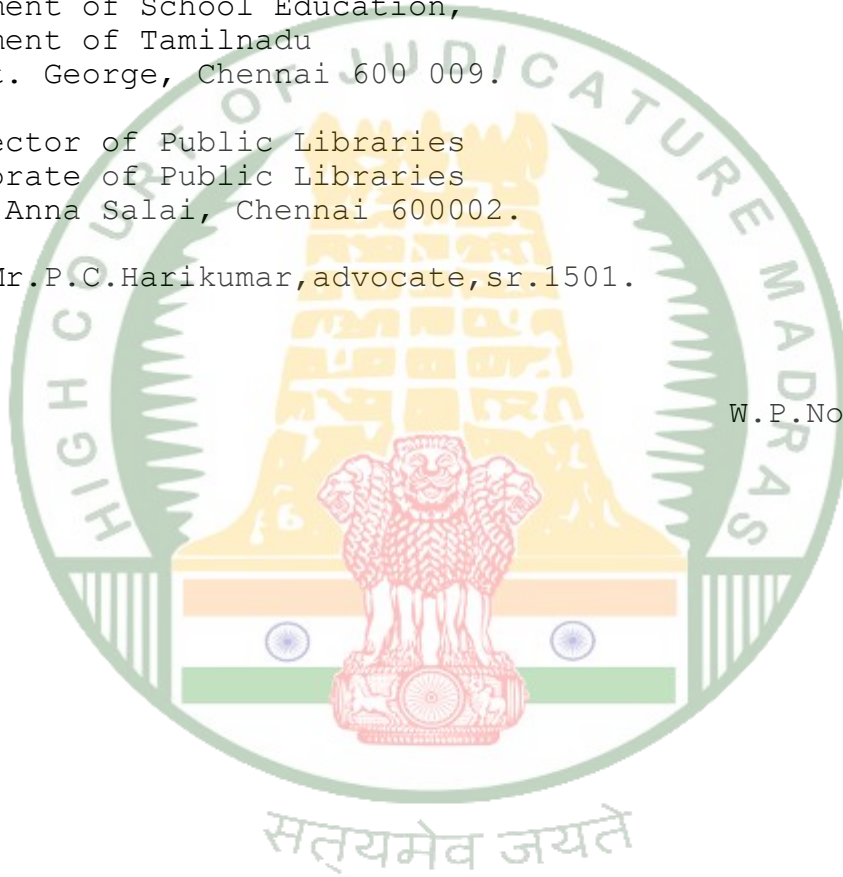
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+1 cc to Mr.P.C.Harikumar,advocate,sr.1501.

ug(co)
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