

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2017

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. No.8053 of 2013 and
W.M.P.No.2 of 2013

P.Santhi

...Petitioner

Vs

- 1.The Secretary to Government,
School Education Department,
Secretariat, Fort St George,
Chennai - 600 009.
- 2.The President,
District Library Committee,
No.1/2, Monthilal Salai,
Thiruvallur District - 602 001.
- 3.The District Library Officer,
Local Library Authority,
No.1/2, Mothilal Salai,
Thiruvallur District - 602 001.
- 4.The District Employment Officer,
Thiruvallur District.

..Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India to issue appropriate Writs, Orders or Directions and in particular a Writ in the nature of Certiorarified Mandamus, calling for all relevant records relating to the impugned Selection List of Village Librarian, Thiruvallur District, dated 27.08.2012 issued by the 2nd and 3rd respondent, herein to quash the same as arbitrary, improper, unjust, unconstitutional, as it violates the conditions of selection enumerated in the Guide lines for selection of Village Librarian 2011-2012 and G.O.Ms.No.53 Education (K1) department dated 08.03.2012, thereby direct the 1st and 2nd respondents to issue fresh notification for the selection to the post of village librarian for the year 2011-12 in consonance with the rules and Regulations therein, according to the Rules of Reservation and consequently to select and appoint the petitioner on merit to the post of village librarian for the year 2011-12.

For Petitioner
For Respondents

: Mr.P.K.Rajesh Praveen Kumar
: Mr.K.Dhanajeyan
Special Government Pleader

O R D E R

The Writ Petitioner seeks appointment to the post of Village Librarian for the Department of Public Libraries of the State of Tamil Nadu.

2. The contention of the Writ Petitioner is that she was fully qualified for the appointment to the post of Village Librarian in the Department of Public Libraries and accordingly, she applied for the post. The Recruitment procedure for the post of Village Librarian is formulated by the State in G.O.Ms.No.53 School Education (K1) Department dated 08.03.2012. As per the procedure, the Government constituted a Selection Committee in each district, as extracted below:

"District Library Officer - Chairman
District Education Officer - Member
Inspector of Librarian/GrI/GrII Librarian-Member-
Secretary

Moreover G.O. (Ms) No.78, School Education (K1) Department, dated:22.03.2012 order were issued prescribing the marks which has to be followed during the interview."

S.No	PROCEDURE OF AWARDING MARKS	MARKS
1.	Degree from any recognized university in library science and General studies	1
2.	Employment seniority A. More than one year and below two years -1 B. More than two year and below three years -2 C. More than three year and below four years -3 D. More than four years -4	4

S.No	PROCEDURE OF AWARDING MARKS	MARKS
3.	Experience as part time Librarian in a Library A. More than 12 months and below 24 months -1 B. More than 24 months and below 36 months -2 C. More than 36 months and below 48 months -3 D. More than 48 months and below 60 months -4 E. More than 60 months -5	
4.	Interview	10
	Total	20

The Committee duly constituted in accordance with the said G.O.MS.No.53, dated 08.03.2012, completed the recruitment process.

3. The learned Counsel appearing for the Writ Petitioner submitted that the petitioner had undergone the Apprenticeship Training and the certificate is enclosed in Page 12 of the paper book, filed along with the Writ Petition. On perusal of the certificate it is seen that the Apprenticeship certificate was issued by the Board of Apprenticeship Training which is a Central Government, Department of Government of India. The said certificate relating to the Apprenticeship Training undergone by the Writ Petitioner under the Apprenticeship Act, 1961, for the period of one year with effect from 2nd June 2004 to 1st June 2005. The Apprenticeship Training undergone by the Writ Petitioner is not at the instance of the appointing authority for the post of Village Librarian, more specifically the Government of Tamil Nadu. Therefore, the Apprenticeship Training in a local Library may be an adding factor for the Recruitment to the post of Village Librarian and cannot be a sole factor for appointment to the said post.

4. The learned Government Advocate appearing for the respondent submitted that the candidates were duly sponsored by the respective Employment Exchanges and the Writ petitioner was sponsored through the Employment Exchange under the category of "Schedule caste Non priority Tamil Medium category". The Writ Petitioner participated in the interview conducted by the Selection Committee, cited supra. In fact, she was successful in the interview process, but while awarding marks for service experience, the candidates were not considered as 'Part-time Librarian' appointed by the

Department of Public Library were given priority over and above the candidates undergone by the Apprenticeship Training under Apprenticeship Training Act.

5. Therefore, there is no infirmity or irregularity in considering the case of the Part time Librarian, since they were already working in the Department of Public Libraries of the Government of Tamil Nadu. Such a preference or awarding more marks to the services of Part time Librarians, cannot be construed as arbitrary, since, the service experience of the Librarian will have an adding benefit.

6. In view of this, the prayer sought for in the Writ Petition deserves no consideration. Accordingly, the Writ petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

rpa/gsk/dna

To

1. The Secretary to Government,
School Education Department,
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+1cc to Mr.P.K.RAJESH PRAVEEN KUMAR, Advocate, S.R.No.36504

W.P. No.8053 of 2013

KJI (CO)
NR(16/05/2017)

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