



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 12.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE **K.K.SASIDHARAN**
AND
THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.A.[MD].No.8 of 2017
and
C.M.P (MD).No.197 of 2017

1.The Director of Libraries,
Mount Road
Chennai -2.

2.The District Library Officer,
Office of the District Library Officer,
Thoothukudi, Thoothukudi District.

3.The District Employment Officer,
Office of the District Employment Officer,
Thoothukudi,
Thoothukudi District.

...Appellants/Respondents

Vs.

K.Senthilkumar

... Respondent /Writ Petitioner

PRAYER : Writ Appeal is filed under Clause 15 of the Letters Patent, to set aside the order passed by this Court, in WP(MD) No.6289 of 2012, dated 16.11.2016.

Prayer in WP(MD). 6289/ 2012 :

To issue a WRIT OF CERTIORARIFIED MANDAMUS, to call for the records in impugned order in 3/2077/2012, dated 20-04-2012 issued by the 3rd Respondent, quash the same and further direct the 3rd Respondent to sponsor the petitioner to the post of Village Librarian to be appointed by the 2nd Respondent in Tuticorin District forthwith.

For Appellants

: Mr.T.S.Mohammed Mohideen
Additional Government Pleader

For Respondent

: Mr.M.V.Venkataseshan

**JUDGMENT**

[Judgment of the Court was delivered by **G.R.SWAMINATHAN, J.**]

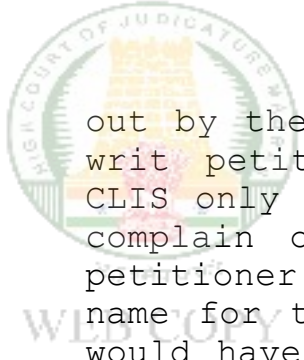
The Director of Libraries, Mount Road, Chennai -2, is on appeal questioning the order dated 16 November 2016, allowing W.P. (MD) No.6289 of 2012.

2.The respondent in this writ appeal obtained the Certificate in Library and Information Science (CLIS) in the year 1998. He had already registered himself with the Employment Exchange. When vacancies arose in the post of librarian in the Thoothukudi District and candidates were sponsored in the ratio of 1:5, the writ petitioner was not sponsored. The writ petitioner came to know that only 137 candidates were sponsored by the District Employment officer, Thoothukudi District.

3.According to the writ petitioner, he also ought to have been sponsored. He therefore represented in this regard to the appellants. The District Employment Officer, Thoothukudi District by order dated 20 April 2012, informed the writ petitioner that candidates were sponsored based on their employment seniority. Even though the writ petitioner had got himself enrolled in the year 1992, he secured CLIS only on 05 April 1999. As regards the Scheduled Caste candidates only those who were found qualified upto 05 October 1998 were sponsored.

4.Aggrieved by the rejection of his request by the District Employment Officer, Thoothukudi District, the respondent herein, filed W.P.(MD)No.6289 of 2012. The learned Single Judge by order dated 16 November 2016, held that, when the ratio 1:5 was fixed, 160 candidates ought to have been sponsored and therefore sponsoring only 137 candidates was not proper. Hence, finding fault in the conduct of the official respondents in the writ petition, the learned single Judge directed the District Employment Officer, Thoothukudi District, to sponsor the writ petitioner for the said post of Village Librarian in respect of an existing vacancy and if it was not there, by creating one new post of Village Librarian. The consequential direction to appoint the writ petitioner in the said post was also given. Aggrieved by the said order passed by the learned single Judge, this intra Court appeal has been filed.

5.We are of the view that the learned single Judge was clearly wrong in passing the directions in the writ petition, which are now, impugned in this writ appeal. When the District Employment Officer, Thoothukudi District had stated that he had sponsored only those candidates, who were eligible as on 05 October 1998, as far as Scheduled Caste category was concerned, the matter should be decided on that basis. It is not the case of the writ petitioner that those who were juniors to him were sponsored by the District Employment Officer, Thoothukudi District. The cut of date spelt



out by the District Employment Officer was 05 October 1998. The writ petitioner had entered his additional qualification viz., CLIS only in the year 1999. Therefore the writ petitioner cannot complain of arbitrariness or discrimination. At best, the writ petitioner could have only been sponsored for consideration of his name for the post of Librarian. There was no guarantee that he would have been selected or appointed. Merely because the learned single Judge felt that the District Employment Officer was in error in not sponsoring the writ petitioner for the said post, he could not have given a direction for his appointment straight away. In any event directing creation of one post of Village Librarian just to accommodate the writ petitioner was certainly without jurisdiction.

6. We are clearly of the view that the directions issued in W.P (MD) No. 6289 of 2012 are clearly unwarranted.

7. Accordingly, the order dated 16 November 2016 allowing W.P. (MD) No. 6289 of 2012 is set aside and this writ appeal is allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

+1cc to Special Government Pleader, SR.No. 65322

+1cc to M/S.M.V.Venkataseshan, Advocate SR.No. 65015

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gsp/km/das

JM/SV AAM/SAR 1/01.08.2017/3P/3C