



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 11.12.2017

PRONOUNCED ON : 19.12.2017

WEB COPY

CORAM:

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.7732 of 2014

Public Library Department,
Pensioners' Association,
(Regd No.282/2010),
Rep. By its President,
N.Balasubramanian

... Petitioner

vs.

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

2.The Director of Public Libraries,
Office of Directorate of Public Libraries,
No.737/1, Anna Salai,
Chennai - 600 002.

... Respondents

PRAYER:- Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents herein to appoint or promote a suitable qualified persons working in the Department of Public Libraries for the post of Joint Director in accordance with rules and consequently forbearing the respondents and their men's from appointing unqualified persons from the Educational Department either by transfer or through Deputation or in any other mode for the post of Joint Director in Department of Public Libraries.

For Petitioner : Mr.B.Jameel Arasu

For Respondents : Mr.S.Kumar,

Additional Government Pleader.

ORDER

This Writ Petition has been filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents herein to appoint or promote a suitable qualified persons working in the Department of Public Libraries for the post of Joint Director in accordance with rules



and consequently forbearing the respondents and their men's from appointing unqualified persons from the Educational Department either by transfer or through Deputation or in any other mode for the post of Joint Director in Department of Public Libraries.

2. In the affidavit filed in support of the petition, it is stated that the petitioner is the President of the Pensioners' Association and it is formed and constituted by the retired employees of the second respondent in various Districts. The Tamil Nadu Public Libraries Act was enacted in the year 1948. The Department of Public Libraries consisted of three units, namely 1. The Directorate of Public Libraries, 2. Connemara Public Library and 3. Local Library Authorities. The staffs employed in the units 1 and 2 are Government servants and on 03.05.1982, the Government had issued G.O.Ms.No.820, provincialising the services of the employees of the Local Library Authorities with effect from 01.04.1982 extending all benefits admissible to Government servants. The Government had issued G.O.Ms.No.2, School Education Department, dated 04.01.2005, for the post of Joint Directors in the Department of Public Libraries and there was a separate rule which prescribed eligibility and other education qualification for appointment or promotion for the post of Joint Directors and other posts in the Department of Public Libraries. While so, the Government in G.O.Ms.No.279, School Education Department, dated 28.07.2009, whereby appointing School Education Department persons in the temporary basis for a period of one year for the post of Joint Director. Even after a lapse of one year, many ineligible persons, who lacks education qualification and as well as service conditions, are holding the post of Joint Directors in the Department of Public Libraries. The Government still persisting the temporary appointment, even though eligible candidates are available in the Department of Public Libraries. As far as appointment for the posts of Joint Director in the Department of Public Libraries are concerned, the appointment to the said post shall be made by promotion from the post of Deputy Director of Libraries and the Government has also issued G.O.No.2, School Education Department, dated 04.01.2005 in this regard. For the past 15 years, promotions were not given to persons working in the Department of Public Libraries, even though eligible and qualified persons are available in the Department of Public Libraries. The Government is appointing unqualified persons from the Education Department temporarily, which seriously affects and deprive the valuable right of the persons, who are working in the Department of Public Libraries. The qualification for working as a Librarian is contemplated as minimum 5 years as Librarian Grade-I in the Education Rules. But some peoples were appointed, who do not possess the Degree in Library Science and as per the Rule, a person must have possessed "1. A degree in Arts or Science 2. A Degree in Library Science and 3. Experience for a period of not less than five years as Librarian Grade-I in the Local Library Authorities". But, as on date, persons working from the



School Education Department, lacks minimum educational qualification for the post of Joint Director or for any other post, is still working in the Department of Public Libraries and continuing so. Due to the said temporary appointments, the candidates who are eligible for working in the Department of Public Libraries are deprived and the periodical promotions were not given to them and the appointment to the post of Joint Director by temporary mode are against service Rules and the petitioner's Association made representations to the respondents on 03.09.2013 and 29.03.2014. Since no action has been taken by the respondents, the petitioner has filed the present Writ Petition.

3.The learned Additional Government Pleader appearing for the respondents filed a counter-affidavit denying all the allegations and would submit that as per the order of this Court, dated 08.04.2009 in W.P.No.18231 of 2007 etc., preparation of seniority list for the post of Librarian Grade-I, Librarian Grade-II and District Library Officer had taken 8 to 12 months. Hence, the Joint Director of Public Library was filled up by the Joint Director in the School Education Department vide G.O.Ms.No.279, School Education Department, dated 28.07.2009 on deputation for one year, which is only temporary appointments. The said seniority list was prepared and published on 10.02.2011 and the panel for the post of District Library Officer issued in G.O.No.109, School Education Department, dated 07.05.2012. Hence promotion for the post of Librarian Grade-I and Librarian Grade-II and District Library officer were issued by the Department, while implementing one unit system with retrospective effect from 11.12.1989, the same aggrieved persons filed a Writ Petition in W.P.No.20475 of 2012 to stay the operation of the seniority list issued in the Director of Public Libraries, dated 10.02.2011 and this Court, by an order, dated 18.10.2012 had granted interim direction to the respondents to maintain status quo as on the date of order and not to effect promotion based on the impugned seniority list. The affected employees approached the Honourable Apex Court by way of filing Special Leave Petition. The Honourable Apex Court, by an order, dated 15.04.2011 in S.L.P(Civil)Nos.11088-11091 has ordered that "in the meanwhile, reversion of the petitioners from the post Librarian Grade-I shall not be given effect". Since the Writ Petition, Special Leave Petition and the interim order to maintain status quo are still pending, the petitioner's plea cannot be looked into by the respondents. Only due to the above reasons, the respondents are not able to fill up the vacant post. Hence, in order to run the administration, the post of Joint Director of Libraries are filled up by the School Education Department by appointing persons on deputation basis, but these facts were suppressed by the petitioner's Association. It is further stated that the respondents will take immediate action to fill up the post of Joint Director of Libraries, after the said cases reaches the finality.



4. Heard the learned counsel for the petitioner and the learned counsel for the respondents.

5. In view of the above stated facts and circumstances of the case, the prayer sought for in the Writ Petition cannot be granted, since there is an order by this Court as well as Honourable Apex Court, wherein it has been ordered that status quo to be maintained, no orders can be issued at this point of time by this Court.

6. With the above observation, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

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

2. The Director of Public Libraries,
Office of Directorate of Public Libraries,
No. 737/1, Anna Salai,
Chennai - 600 002.

+1cc to Special Government Pleader, SR.No. 94315

Order made in
W.P (MD) No. 7732 of 2014
19.12.2017

PS

JM/SV MMS/SAR 1/08.01.2018/4P/4C