



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.06.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE **R.SUBRAMANIAN**

W.P. (MD) .No.1856 of 2011

and

W.M.P. (MD) .No.12530 of 2016

and

M.P. (MD) .No.2 of 2011

S.Raveendran

... Petitioner

Vs.

1. The Secretary to Government,
Higher Education Department,
Government of Tamil Nadu,
Secretariat,
Chennai-600 009.
2. The Director of Collegiate Education,
College Road,
Chennai 600 006.
3. The Joint Director,
Directorate of Collegiate Education,
Madurai Region,
Madurai -625 020.
4. The secretary,
Lakshmi College of Education,
Gandhigram Trust,
Gandhigram -624 302.

... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the letter of Lakshmi College of Education, Gandhigram, in Ref.89/2010-11 dated 23.08.2010 addressed to the Regional Joint Director of Collegiate Education, Madurai Region, Madurai, quash the same as illegal and direct the fourth respondent to promote the petitioner as College Librarian in the fourth respondent college, namely, Lakshmi College of Education, Gandhigram.

For Petitioner

For Respondents 1 to 3

For 4th Respondent

: Mr.A.Hariharan

: Mr.S.Satheesh Kumar

Additional Government Pleader

: Mr.V.Karthikeyan

for Mr.V.Vijayshankar

**ORDER**

The petitioner is a differently-abled person challenges communication issued by the Secretary of the respondent college addressed to the Regional Joint Director of Collegiate Education, Madurai stating that the petitioner is not qualified to be appointed as a Librarian since he has not passed the National Eligibility Test or State Level Eligibility Test, which according to the Secretary, is a qualification prescribed for appointment as Librarian. In and by which the said communication, the Secretary of the 4th respondent college has also sought for permission to fill up the post for librarian through employment exchange.

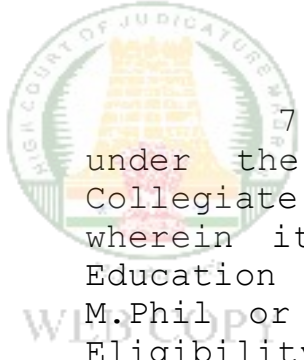
2.The petitioner would contend that he was appointed as Record Clerk in the fourth respondent college on 25.03.1987 and was promoted as Laboratory Assistant with effect from 21.01.1994. He has completed his M.A.Degree in 1996; Bachelor of Library Science in 1998; M.Lis., in 1999 and also completed M.Phil in Library and Information Science in 2003. When the post of Librarian in the fourth respondent college fell vacant, the petitioner sought appointment to the said post on the basis of the qualifications stated above. The said request of the petitioner has been rejected by the college solely on the ground that he has not passed NET or SLET.

3.The petitioner would further contend that since he has obtained M.Phil even in the year 2003, it is prior to the amendment of the UGC Regulations which admittedly came into effect from 14.06.2006 and therefore, the requirement of NET or SLET will not apply to him.

4.The fourth respondent college had relied upon G.O.Ms.No.350 Higher Education (H1) Department, dated 19.09.2009 wherein it has been pointed out that a pass in NET or SLET is necessary for being appointed as a Librarian.

5.The fourth respondent college has filed a counter affidavit wherein it has been contended that UGC regulations require where a pass in the National Eligibility Test or State Level Eligibility Test is mandatory for appointment as a Librarian. Therefore, the fourth college would claim that the petitioner is not qualified for being appointed as a Librarian.

6.Apart from prescribing qualifications for various posts G.O.(Ms)No.350 also provides for pay scales and carrier advancement scheme for Librarian and prescribes NET or SLET as qualification. It also stipulates that all existing conditions of eligibility and academic qualifications laid down by the UGC/State Government continue to be applicable for direct recruitment of Assistant Librarian/College Librarian.



7. Pursuant to the application made by the petitioner under the Right to Information Act, 2005, the Director of Collegiate Education has issued a clarification on 13.06.2016 wherein it has been stated that as per G.O.Ms.No.104, Higher Education Department, dated 18.05.2009, the candidates holding M.Phil or Ph.D. Degree as on 14.06.06 need not pass National Eligibility Test or State Level Eligibility Test or an accredited test.

8. The Tamil Nadu Teachers Education University has stated that it does not require the approval of the university for appointment of Librarians. In the light of the clarification issued by the Director of Collegiate Education and in light of the fact that G.O.No.350, dated 09.09.2009 provides for exemption from the requirement of minimum eligibility and academic qualification laid down by the UGC/State Government continue to be applicable for direct recruitment of Assistant Librarian or College Librarian. It is clear that the petitioner who has got M.Phil degree even in the year 2003 does not require pass in NET or SLET or any other accredited test for being considered for the post of Librarian.

9. Though the fourth respondent requested the Joint Director for appointing a Librarian through employment exchange, the said post has not been filled up. Therefore, the impugned proceedings of the fourth respondent college is quashed. The writ petition is allowed. Rule Nisi is made absolute. The 4th respondent college is directed to consider the petitioner for being appointed as a Librarian without insisting upon pass in NET or SLET or any other accredited examination. Considering the fact that the petitioner is a differently-abled person, I am sure that the fourth respondent college will consider the candidature with due sympathy. No costs. Consequently, W.M.P.(MD).No.12530 of 2016 and M.P.(MD).No.2 of 2011 are closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To:

1. The Secretary to Government,
Higher Education Department,
Government of Tamil Nadu,

<https://hcservices.secureonline.in/>

Chennai-600 009.



2. The Director of Collegiate Education,
College Road,
Chennai 600 006.

3. The Joint Director,
Directorate of Collegiate Education,
Madurai Region,
Madurai -625 020.

+2cc to M/S.A.Hariharan, Advocate SR.No. 60422

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RMI/VSG
JM/SV MMS/SAR 1/23.06.2017/4P/6C