

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 25-10-2018

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No. 11064 of 2013

A.Shanthi Sridharan

.. Petitioner

..Vs..

1.The Secretary to Government,
Higher Education Department,
Fort St. George,
Chennai-9.

2.The Director of College Education,
Chennai-6.

.. Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus, directing the respondents to pass orders on the representation made by the petitioner dated 13.12.2012 to pay the salary of College Librarian (in-charge) for the period in which the petitioner has served as College Librarian from 12.6.2006 to 1.2.2011 in the scale of Rs.15,600-6000.

For Petitioner : Mr.M.Muthappan

For Respondent-1 : Mr.K.Karthikeyan, Government Advocate
for R1 & R2

O R D E R

The relief sought for in the present writ petition is for a direction to direct the respondents to pass orders on the representation submitted by the writ petitioner on 13.12.2012 to pay the salary of College Librarian (in-charge) for the period in which the writ petitioner has served as College Librarian.

2. Admittedly, the writ petitioner was appointed as Junior Assistant in the second respondent-Department on 7.3.1986. Subsequently, she was promoted to the post of Assistant on 5.11.1999 and the writ petitioner possessed the Masters Degree in Librarian Science in the year 1996. Accordingly, she became eligible for appointment to the post of Librarian in the respondent-Collegiate Education Department.

3. The grievance of the writ petitioner is that the post of College Librarian became vacant and accordingly, the writ petitioner was appointed as College Librarian (In-charge). The writ petitioner claims that she served as a College Librarian (In-charge) from the year 2006 to 2011 and therefore, she is entitled for the salary attached to the post of College Librarian.

4. This Court is of an opinion that In-charge positions are temporary arrangement. Admittedly, the writ petitioner was not appointed to the post of College Librarian on regular basis during the relevant point of time. The post of College Librarian is to be filled up only by following the Recruitment Rules and by providing an opportunity to all the eligible candidates. The writ petitioner was appointed to the post of College Librarian (In-charge) without reference to her seniority and without following the Rules. Such appointment on in-charge basis will not confer any right on the writ petitioner to seek appointment to the post of College Librarian on regular basis.

5. The learned Government Advocate brought to the notice of this Court that subsequently, the writ petitioner was appointed as a regular College Librarian and allowed to retire from service. Therefore, the writ petitioner would be entitled to the benefit only for the period in which she served as a regular College Librarian in the respondent-Department.

6. This Court is of an opinion that the In-charge positions cannot be granted for a long period by the Department. Unfortunately, in the present case on hand, the writ petitioner was allowed to perform the duties of College Librarian for a considerable length of time i.e., about six years and such a practice in the Department is to be deprecated. The in-charge positions are to be granted for a short period and thereafter, the post must be filled up on regular basis by following Rules in force. However, the writ petitioner cannot claim salary attached to the post of College Librarian in view of the fact that she was performing the duties and responsibilities attached to the post of College Librarian only as an In-charge and therefore, the claim of the writ petitioner is devoid on merits.

7. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

Svn

To

1.The Secretary to Government,
Higher Education Department,
Fort St. George,
Chennai-9.

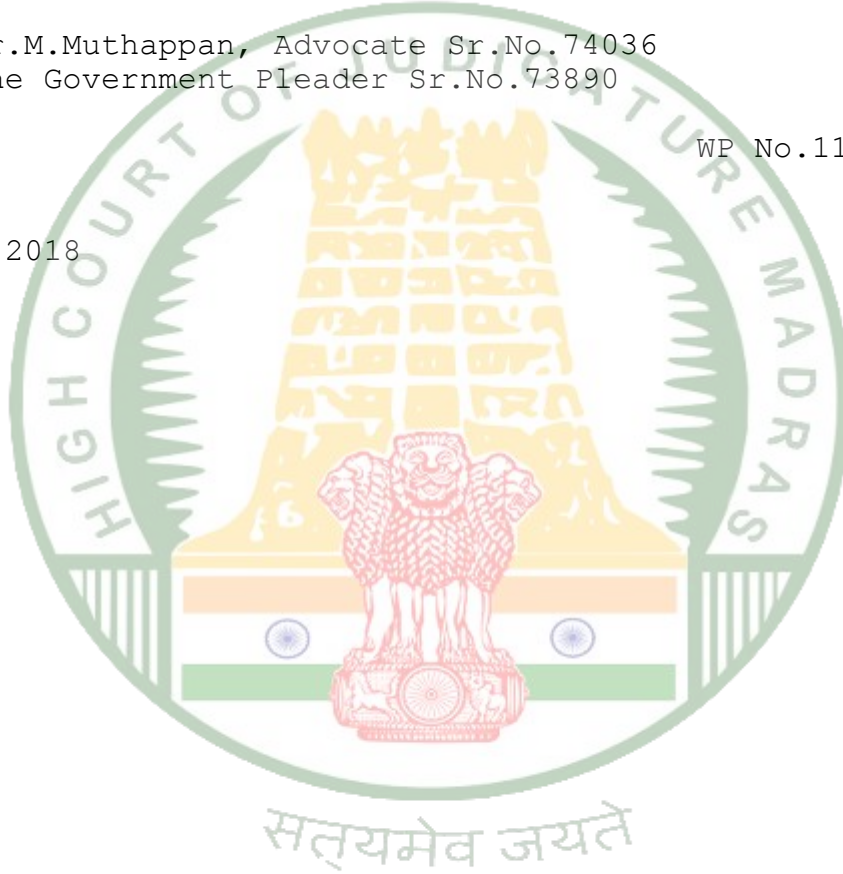
2.The Director of College Education,
Chennai-6.

+1cc to Mr.M.Muthappan, Advocate Sr.No.74036

+1cc to The Government Pleader Sr.No.73890

WP No.11064 of 2013

SPD(CO)
CSL/12.11.2018



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