

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2018

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.41033 of 2006

1.P.Rajendran
2.A.M.Thirumurugan ... Petitioners

Vs.

1.The Secretary to Government,
School Education Department,
Chennai – 600 009.

2.Directorate of Public Libraries,
Anna Salai,
Chennai – 600 002.

3.Tamilnadu Government Public Library Officials Union,
Rep. by its President N.Balasubramanian
Affiliated with T.N.N.G.G.O.'s Association
Chennai.

(R3 impleaded as per order dated 02.04.2007 by KCJ in MP.No.3/06 in
W.P.41033/06 ... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the second respondent from making any alteration or amendment to the Statewise Seniority List in his proceedings in Na.Ka.No.4236/A1/05 dated 14.10.2005 and to make promotions as per the seniority list provided in the said proceedings.

For Petitioner : Mr.S.Silambannan
Senior Counsel

For Respondents : Mr.R.Govindasamy for R1 and R2
Special Government Pleader
Mr.S.Selvathirumurugan for R3

ORDER

The petitioners have filed this writ petition seeking issuance of Writ of Mandamus forbearing the second respondent from making any alteration or amendment to the Statewise Seniority List in his proceedings in Na.Ka.No.4236/A1/05 dated 14.10.2005 and to make promotions as per the seniority list provided in the said proceedings.

2.The first petitioner is working as Grade I Librarian in Dharapuram, Erode District and the second petitioner is working as Grade I Librarian in Gobichettipalayam, Erode District. The case of the petitioners is that they were initially posted as Record Clerk and thereafter, they completed their CLIS Course and became eligible to be promoted as Grade III Librarian. However, they were promoted as Grade II Librarian and further promoted as Grade I Librarian. The petitioners are awaiting for promotion to the post of District Library Officer and the seniority list has also been framed for Grade I Librarian in Na.Ka.No.4236/A1/05 dated 14.10.2005. Whiles, the Government

issued G.O.Ms.No.60, School Education (K2) Department dated 27.04.2006 stating that the said Government Order has come into force with retrospective effect from 01.04.1982 and the method of appointment and category are clearly set out therein.

3.According to the petitioners the Government Order provides that Librarians of Grade III can be equated on par with others and Authorities have decided to place those persons over and above the petitioners. Hence, apprehending that there may be overlapping for award of promotional post contrary to the seniority list, the petitioners have filed this writ petition.

4.The learned Senior Counsel appearing for the petitioners submitted that the petitioners have filed this writ petition on the ground that there may be overlooking of the seniority list and the respondents intend to appoint some other persons without considering the seniority list.

5.Heard the arguments advanced on either side and perused the materials available on record.

6.The writ petition is of the year 2006. Though, this Court has

initially granted an order of interim injunction, subsequently, the petition seeking interim injunction was dismissed. In the absence of any interim order, this Court is of the view that nothing survives for adjudication in this writ petition. However, if any adverse order has been passed against the petitioners, liberty is granted to the petitioners to challenge the same in the manner known to law.

13.The writ petition is accordingly disposed of. No costs.

05.07.2018

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Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

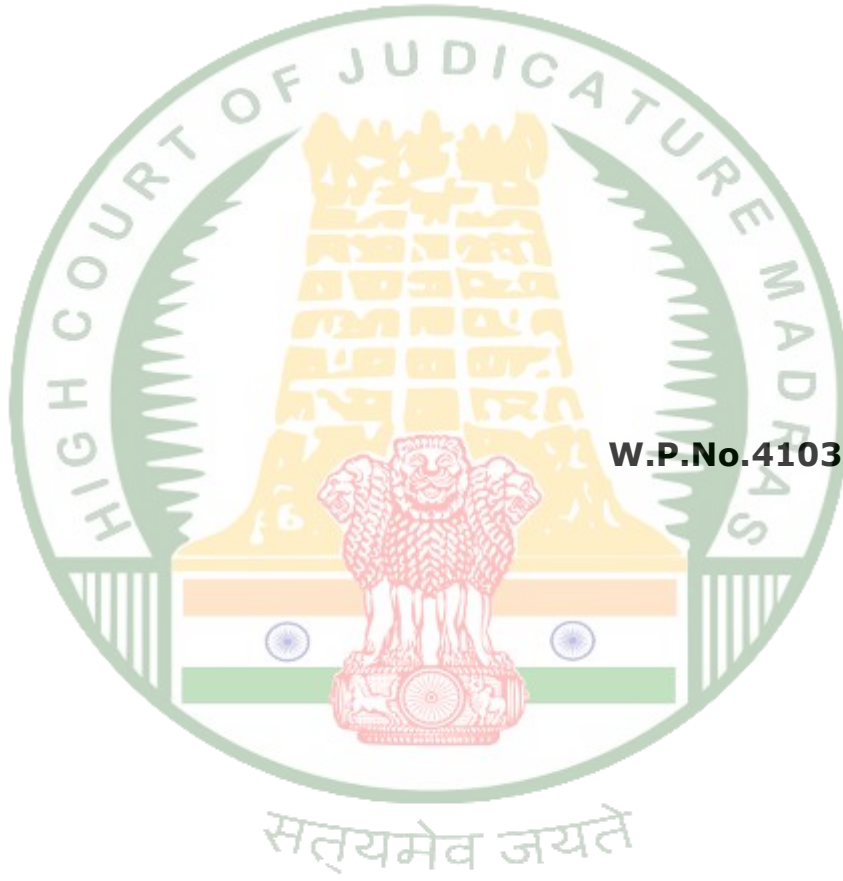
To

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M.DHANDAPANI,J.
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