



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 14.11.2018

WEB COPY

CORAM:
THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE P.D.AUDIKESSAVALU

W.A.[MD]No.667 of 2018
and
C.M.P.[MD]No.3741 of 2018

S.Swaminathan : Appellant/Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by the Principal Secretary,
School Education Department,
Fort St. George,
Chennai-600 009.

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

3. The District Library Officer,
Madurai, Madurai District. : Respondents/Respondents

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent against the order of Writ Court dated 25.01.2018 made in W.P.(MD) No.485 of 2018.

Prayer in WP(MD). 485/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the Respondents to regularize the service of the petitioner in the post of Village Librarian extending the benefit of G.O.Ms(ID) No. 164, School Education Department, dated 27.05.2015.

For Appellant : Mr.T.Lajapathi Roy

For Respondents : Mrs.S.Srimathy,
Special Government Pleader

**JUDGMENT**

[Judgment of the Court was delivered by K.K.SASIDHARAN, J.]

The claim made by the appellant, who is stated to be a part-time Librarian, for regularization in the post of Village Librarian, on the strength of the Government Order in G.O.MS.(1D)No.164, School Education Department, dated 27.05.2015, was dismissed by the learned Single Judge. The order is under challenge at the instance of the unsuccessful writ petitioner.

2. The appellant was appointed as a part time Village Librarian on 01 October, 1995. The appellant made a request before the respondents for regularization on the ground that the other similarly placed employees were all regularized. Since there was no follow up action, the appellant filed the Writ Petition.

3. The learned Single Judge was of the view that the Government Order relied on by the appellant would not apply to a part time employee and as such, he has no justifiable claim for regularization.

4. The appellant was made a full time employee with effect from 21 December, 2011. The question of regularization would come only when he completed ten years of regular service. The appellant, having become a full time employee from 21 December, 2011, is not entitled to an order of regularization before completing ten years of actual service. We are, therefore, of the view that the learned Single Judge was correct in dismissing the Writ Petition.

5. In the upshot, we dismiss the intra-Court Appeal. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/

Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar(CS-III)

To

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

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



3. The District Library Officer,
Madurai, Madurai District.

+1 cc to Mr.T.LajapathiRoy,Advocate, SR.No.95363

+1 cc to Spl.Govt.Pleader, SR.No.95434

WEB COPY

SML

SS/BK/SAR 3/14.12.2018/3P/6C

Judgment made in
W.A.[MD]No.667 of 2018
Dated: 14.11.2018