

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :22.03.2019

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.8242 of 2019

P.Venkatachalam

..Petitioner

vs

1. The State of Tamil Nadu rep.by its
Principal Secretary to Government
Department of School Education,
Secretariat, Chennai - 600 009

2. The Director,
Directorate of Public Libraries
737/1, Anna Salai
Chennai - 600 002

..Respondents

Prayer: I Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to appoint the petitioner as in-charge to the post of District Library officer instead of accommodating the Librarians who are in Lower Grade to the Post of Superintendent, till the anomaly is rectified by considering petitioner representations dated 20/04/2018 and 05/03/2019.

For Petitioner : Mr.N.Manokaran

For Respondents : Mr.A.Rajaperumal
Additional Government Pleader

सत्यमेव जयते
O R D E R

The relief sought for in the present writ petition is for a direction to direct the respondents to appoint the petitioner as in-charge to the post of District Library officer instead of accommodating the Librarians who are in Lower Grade to the Post of Superintendent, till the anomaly is rectified by considering petitioner representations dated 20/04/2018 and 05/03/2019.

2.The relief sought for in the present writ petition is misconceived in view of the fact that the in-charge position is temporary and provided in order to manage the administrative affairs of the particular office or institution. An in-charge position would not confer any right on the person, who is posted

in such in-charge position in any post. The senior most official in a particular office is posted as an in-charge officer for the purpose of running the public administration smoothly and such a person cannot claim any right over such position or claim seniority or otherwise.

3. At the outset, the in-charge position is not only temporary, the same would not confer any service right on any person, but is posted as in-charge officer, in order to run the administration smoothly. It is only an interim arrangement and the service rights of the respective employees can be adjudicated, if the regular promotion is undertaken. If an appointment or regular promotion process is undertaken, then alone, the service rights of the respective employees can be adjudicated. In-charge positions are sometimes given to the junior officials from the same office or from other persons. Such junior persons appointed as in-charge officer during the Interregnum period, cannot claim any seniority benefit or experience benefit or otherwise.

4. This being the legal principles to be followed, the very relief sought for to appoint the writ petitioner as in-charge is absolutely misconceived and such a relief cannot be granted. If at all, the writ petitioner is qualified and eligible in accordance with the rules, the cases of all eligible persons are to be considered at the time of undertaking the process of promotion to the Post of District Library officer. Contrarily the Superintendent, who is working in the Ministerial line, cannot file a writ petition for direction to appoint him to the post of District Library officer (in-charge).

5. This being the factum, this Court is of an opinion that the representation or the claim of the writ petitioner to appoint him as District Library Officer (in-charge) cannot be considered and the writ petitioner is at liberty to agitate his issues, whenever the regular process for promotion or appointment to the Post of District Level Officer is undertaken.

6. With these observations, the writ petition stands dismissed. However, there shall be no order as to costs.

Sd/-
Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

kak

To

1. The Principal Secretary to Government
Department of School Education,
Secretariat, Chennai - 600 009

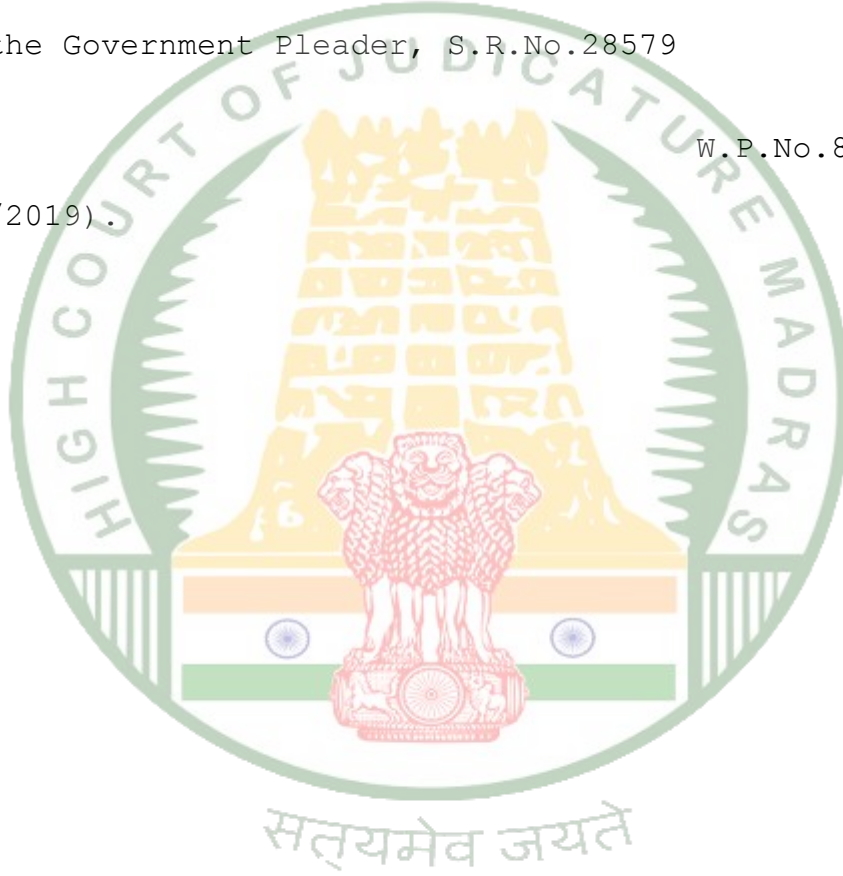
2. The Director,
Directorate of Public Libraries
737/1, Anna Salai
Chennai - 600 002

+1 cc to Mr.N.Manokaran, Advocate, S.R.No.27741

+1 cc to the Government Pleader, S.R.No.28579

CP(CO)
SSM(15/04/2019).

W.P.No.8242 of 2019



WEB COPY