

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.01.2019

CORAM:

THE HON'BLE MR.JUSTICE T.RAJA

W.P.No.37778 of 2016

N.Shanthi

... Petitioner

.. Vs ..

1.The Secretary to Government of Tamil Nadu,
Education Department,
Fort.St.George, Chennai - 600 009.

2.The Director of Public Libraries,
Government of Tamil Nadu,
Office of the Director of the Public Libraries,
Anna Salai, Chennai - 600 002.

3.The District Library Officer,
Office of the District Library Officer,
Namakkal District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 3rd respondent's impugned order Na.Ka.No.2992/A/2016 dated 16.09.2016 and quash the same as illegal and consequently direct the respondents to consider the petitioner's qualification and experience for the post of Village Librarian and appoint the petitioner with effect from the date on which the petitioner herein became qualified for the said post, within a time frame fixed by this Court.

For Petitioner : Mr.P.Purushothaman
For Respondents : Mr.P.Raja
Government Advocate

ORDER

Petitioner N.Shanthi was appointed as a Part Time Librarian in Ezhur on 15.07.1996 by the third respondent-District Library Officer, Namakkal. After joining service, she has also completed 12th standard and acquired Certificate Programme in Library and Information Science (C.L.I.S.) in May 2014.

2. Learned counsel appearing for the petitioner would submit that as per G.O.(1D).No.156, School Education Department dated 10.09.1998, a Part-Time Librarian, who has been appointed through Employment Exchange and has rendered 5 years of service could be absorbed as Village Librarian. Since the said Government Order was further amended by G.O.(1D).No.422, dated 10.12.2012, the appointment of Village Librarian shall be made [i] by transfer from the part-time Librarian, who was appointed through the Employment Exchange and has put in five years of service in that post and [ii] by direct recruitment. It is stated that the petitioner has got requisite qualifications and therefore, she is eligible to be appointed as Village Librarian.

3. Learned counsel for the petitioner again submitted that in similar circumstances, this Court, while entertaining similar and identical prayer in Writ Petition Nos.12007 and 12009 of 2008, by order dated 28.03.2013, has made it clear that there is no dispute that the petitioners therein had the requisite Educational Qualifications, of a pass in certificate course, and they have been working as Part Time Librarian for the past more than 20 years. Therefore, at least from the date of fulfillment of the qualifications and other requirements, the petitioners are entitled to regular absorption. Holding so, this Court allowed both the Writ Petitions, giving direction to the respondents therein to pass appropriate orders, within a period of 8 weeks, to grant the benefit of regular absorption to the petitioners therein, with effect from the dates on which they became qualified for such absorption and the said order was also confirmed by the Division Bench of this Court in W.A.No.1363 of 2014, by order dated 10.11.2014, holding that when similarly placed part-time Librarians have already been considered for regularization, discriminating any similarly placed persons would be in violation of Article 14 of the Constitution of India. Similarly, in the present case also, the petitioner was appointed as Part Time Librarian by the District Library Officer, on 15.07.1996, and till now, the respondents have refused to regularise her services.

4. A counter affidavit has been filed by the third respondent bringing one distinction between the case of the petitioner and the case of S.Saradha [petitioner in W.P.No.37779 of 2016], who has been appointed as Village Librarian and subsequently, given the benefit of regularization. However, the petitioner herein was not appointed through Employment Exchange.

5. Again, this issue has been considered by this Court in the earlier order dated 28.03.2013, passed in Writ petition Nos.12007 and 12009 of 2008 (D.Subramani and G.Loganatha Vs. The Secretary to Government and two others), holding thus:

''2. It appears that by G.O.(1D)No.156, School Education, dated 10.09.1998, the Government ordered the absorption of Part Time Librarians, if they had been appointed through Employment Exchange and had also completed 5 years of service as on 30.01.1996. Though it was ordered as a one time measure, the Government later found that 739 posts of Village Librarians were lying vacant. Therefore, the Director of Public Libraries forwarded a proposal for the absorption of 59 Part Time Librarians, who had completed 5 years of service as on 31.12.2006 and who had also passed the Certificate Course in Library Science.

3. Out of those 59 persons 27 were found to have been sponsored through Employment Exchange and the others had not been so sponsored. Therefore, the Government issued G.O.Ms.No.170, School Education, dated 17.07.2007, absorbing those 27 persons as Rural Librarians.

4. Based upon the above Government Orders, the petitioners also sought regular absorption. But, they were not granted absorption, on the ground that they were not sponsored through Employment Exchange. Therefore, they have come up with the above Writ Petitions, seeking the issue of a Writ of Mandamus, to direct the respondents to appoint them in the post of Rural Librarians, in a time scale of pay within a time frame.

5.

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8. Today, there is no dispute that the petitioners hold the Educational Qualification of a pass in the certificate course. They have been working as Part Time Librarians for the past more than 20 years. Therefore, at least from the date of fulfillment of the qualifications and other requirements, the petitioners are entitled to regular absorption.''

6. Since the above said order was also confirmed by the Division Bench of this Court on 10.11.2014 in Writ Appeal No.1363 of 2014, this Court being bound by the above mentioned order, is inclined to allow the present Writ Petition.

7. Accordingly, this Writ Petition stands allowed and the respondents are directed to pass appropriate order within a period of eight weeks granting the benefit of regular absorption to the petitioner with effect from the date on which she became qualified for such absorption. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vsa/Jrl

To

1. The Secretary to Government of Tamil Nadu,
Education Department,
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 2. The Director of Public Libraries,
Government of Tamil Nadu,
Office of the Director of the Public Libraries,
Anna Salai, Chennai - 600 002.
 3. The District Library Officer,
Office of the District Library Officer,
Namakkal District.
- +1 cc to Mr.P.Purushothaman, Advocate, S.R.No.3606
- +1 cc to the Government Pleader, S.R.No.3996

SSD(CO)
SSM(19/02/2019)

W.P.No.37778 of 2016

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