



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 01.07.2019
CORAM
THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MS.JUSTICE P.T.ASHA

Writ Appeal No.811 of 2017
and
C.M.P.No.11327 of 2017

Mr.T.Sivaraman

Vs.

.... Appellant

1. Central Board of Secondary Education
represented by the Secretary,
Ps-1-2, Institution Area, I.P. Extn,
Patparganj, Delhi - 110 092.

Having Regional Office at
Plot No.1630, A, "J" Block,
16th Main Road, Anna Nagar West,
Chennai - 600 040.

2. The Director General,
Ordance Factory Board,
Esplanade East, Calcutta - 700 069.
3. The General Manager,
Heavy Vehicles Factory,
Avadi, Chennai - 600 054.
4. HVF English Medium Educational Society,
represented by its Secretary,
Vijayanta Senior Secondary School,
Near EME Lines, HVF Estate,
Avadi, Chennai - 600 054.
5. Vijayanta Senior Secondary School,
represented by its Secretary,
Near EME Lines, HVF Estate,
Avadi, Chennai - 600 054.

.... Respondents

APPEAL filed under Clause 15 of the Letters Patent to set aside the order passed by this Honble Court made in WP.No.596 of 2010 dated 28.04.2017.

WP.No. 596 of 2010 : Petition filed under Article of the Certiorari of India to issue a Writ in the nature of Writ of Mandamus or any other appropriate Writ of directions, directing the respondents to regularize the petitioner services as per their byelaws.



For Appellants : Mr.K.Mohanamurali
For Respondents: Mr.G.Nagarajan - R1
Mr.G.Rajagopal, ASG,
assisted by K.Gunasekar- R2 to R5

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J U D G M E N T

(Judgment of the Court was delivered by K.K.SASIDHARAN, J.,)

The appellant has filed a Writ Petition before the Writ Court in W.P.No.596 of 2010 for a direction to the fourth respondent to regularise his services in the post of Librarian. The Writ Petition was dismissed by the learned single Judge. The said order is under challenge at the instance of the unsuccessful Writ Petitioner.

2. The appellant has been working as a Librarian in Vijayanta Senior Secondary School administered by Heavy Vehicles Factory English Medium Educational Society. The appointment was made in the year 2003. The appellant taking into account his continuous service made a request before the Management for regularisation. Since action was not taken, the appellant has filed the Writ Petition. The learned single Judge was of the view that no direction could be given for regularisation.

3. When this appeal came up for hearing on an earlier occasion, the learned Standing Counsel for respondent Nos.4 and 5 took a stand that there is no need for a Librarian in an Educational Institution approved by the CBSE. We therefore issued notice to CBSE to inform this Court as to whether there should be a permanent post of Librarian in a school approved by the CBSE.

4. The learned counsel for the CBSE on instruction submitted that CBSE regulations prescribe that the institution should have a Librarian on permanent basis. Accordingly the matter was adjourned to give an opportunity to the respondent Nos.4 and 5 to make their position clear.

5. When the appeal is taken up for hearing today, the learned Standing Counsel for respondent Nos.4 and 5 filed an affidavit sworn to by the Joint General Manager, Heavy Vehicles Factory, indicating that the school should have a post of Librarian with the qualification of Graduate with Diploma in Library Science from a recognised institute. According to the deponent, the appellant would also be allowed to participate in the ensuing recruitment process and he would be considered on a preferential basis. The affidavit dated 27.06.2019 is taken on record.

6. When a query was made to the learned Standing Counsel with regard to the time required for completion of the selection process, on instruction, it was stated that it would take about one month.

7. The appellant has been working in the institution in question since 2003. The Management has now agreed to consider him for appointment taking into account his past service. We



make it clear that in case everything is equal preference should be given to the appellant taking into account his continuous service rendered in the institution. The Management must ensure that the selection process is completed as undertaken by them. We also make it clear that in case the appellant is found to be over aged, necessary relaxation should be given by the Management taking into account the fact that as on the date on which the initially appointment was made, he was well within the prescribed age.

8. The intra Court appeal is disposed of with the above direction. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

S1

To

1. The Secretary,
Central Board of Secondary Education
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2. The Director General,
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Esplanade East, Calcutta - 700 069.
3. The General Manager,
Heavy Vehicles Factory,
Avadi, Chennai - 600 054.

+1cc to Mr.K.Mohanamurali, Advocate, S.R.No. 54783
+1cc to Mr.K.Gunasekar, Advocate, S.R.No. 54666
+1cc to Mr.G.Nagarajan, Advocate, S.R.No.54374

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VG II (CO)
GN(06/08/2019)