



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : **09.09.2019**

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.A. (MD)No.909 of 2019

and

C.M.P. (MD)No.8175 of 2019

1.The Secretary to Government,
Higher Education Department,
Fort St.George, Chennai-9.

2.The Director of Collegiate Education,
College Road, Chennai-6.

... Appellants/Respondents

Vs.

T.Meenakshi

... Respondent/Petitioner

PRAYER: Writ Appeal is filed under Clause 15 of the Letter Patent Act, to set aside the judgment dated 04.01.2019 in W.P.(MD)No.15823 of 2014 on the file of this Court.

Prayer in WP(MD) . 15823/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus calling for the records of the impugned proceedings in Na.Ka. NO. 25114/C2/2014 dated 07.08.2014 on the file of the 2nd respondent and quash the same and consequently direct the Respondents to appoint the petitioner as college librarian under the UGC Norms with retrospective effect along with all time scale benefits applicable to the said post.

For Appellants : Mr.A.K.Baskara Pandian
Special Government Pleader
For Respondent : Mr.N.Ananthapadmanabhan
for APN Law Associates

JUDGMENT

[Judgment of this Court was made by **T.S.SIVAGNANAM, J.**]

Heard Mr.A.K.Baskara Pandian, learned Special Government Pleader appearing for the appellants and Mr.N.Anantha Padmanabhan, learned counsel appearing for the respondent.

2. This writ appeal is directed against the order in W.P.(MD) No.15823 of 2014 dated 04.01.2019.



3. The writ petition was filed by the respondent herein seeking to quash the proceedings of the second appellant, dated 07.08.2014 and to direct the appellants to appoint the respondent as College Librarian under the UGC Norms with retrospective effect along with all time scale and other benefits applicable to the post. The learned Single Judge, following the decisions in the case of ***A.Vanchinathan and others Vs. The Secretary to Government and others*** in W.P.Nos.25172 and 25173 of 2008 dated 21.10.2008, ***G.S.Moganavalli and others Vs. The Secretary to Government, Higher Education Department*** in W.P.(MD)Nos.14682 and 14683 of 2012, dated 05.06.2014 and ***S.Raveendran Vs. The Secretary to Government, Higher Education Department and others*** in W.P.(MD)No.1856 of 2011 dated 15.06.2017, allowed the writ petition by directing the appellants to appoint the respondent as College Librarian under the UGC norms with retrospective effect along with all time scale benefits applicable to the said post within a time frame.

4. Mr.A.K.Basakara Pandian, learned Special Government Pleader appearing for the appellants would strenuously contend that the learned Single Judge erred in allowing the writ petition without noting the fact that the benefits which was conferred on the other beneficiaries were under the erstwhile Service Rules and after the Special Rule relating to the Education Department had come into force, the question of extending the benefit to the respondent does not arise and hence, the request of the respondent was rejected by proceedings dated 07.08.2014 passed by the second appellant, which was impugned in the writ petition. Further, it is submitted that the respondent is disqualified from the zone of consideration for appointment as College Librarian on the ground that the appellant did not pass National Eligibility Test or the State Level Eligibility Test or an accredited Test and the respondent has acquired her M.Phil degree only in March, 2008.

5. We find that these issues were considered by the Writ Court in the decisions referred to in the impugned order and one of such decisions was the subject matter of the appeal before the Hon'ble Division Bench and appeals were filed by the Government with the delay of 1451 days and dismissed by the Hon'ble Division Bench on 18.12.2018.

6. The learned counsel for the respondent / writ petitioner contended that as many as thirty orders have been passed by this Court in writ petitions filed by similarly placed persons as that of the respondent and all the writ petitions were allowed and orders have been implemented. Further, the learned counsel referred to the proceedings of the second appellant, dated 01.02.2011. It is pointed out that the persons, who are similarly placed to that of the respondent, were posted as College Librarian and all those persons had acquired M.Phil degree only in March 2008. In this



regard, he referred to the names of the candidates, who were appointed as College Librarians, which read thus:-

(1) K.Chandra, who was working as Assistant in Kayide Millath Government Women's College, Chennai posted as College Librarian in Kayide Millath Government Women's College, Chennai;

(2) R.Parthasarathi, who worked as Assistant in Directorate of Collegiate Education, Chennai and acquired M.Phil in July, 2008 is posted as Librarian at Periyar E.V.R. College, Trichy.;

(3) N.Umar, who worked as Superintendent, Office of the Director of College Education, Chennai and acquired M.Phil in March 2008, is posted as Librarian at Presidency College, Chennai;

(4) R.Godhandaraman, who worked Assistant at Directorate of Collegiate Education, Chennai and acquired M.Phil in February, 2008 is posted at Government Men's Arts College, Nandanam, Chennai and;

(5) M.Masilamani, who acquired his M.Phil in March, 2008 and worked as Superintendent, Office of the Director of College Education, Velur is posted as Librarian at Ulaganatha Narayanasamy Government College, Ponneri.

7. We find that the orders passed in the earlier writ petitions have been implemented and other similarly placed persons as that of the respondent have been granted the benefits and we find no reason to take a different view in the present appeal. Accordingly, this writ appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Secretary to Government,
Higher Education Department,
Fort St.George, Chennai-9.

2.The Director of Collegiate Education,
College Road, Chennai-6.

+1 CC to M/s.APN LAW ASSOCIATES, Advocate (SR-86226[F] dated 10/09/2019)

ORDER MADE IN
W.A. (MD)No.909 of 2019
09.09.2019

ta

MK (30.09.2019) 3P 4C

<https://hcservices.ecourts.gov.in/hcservices/>