



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WEB COPY

W.P. (MD) No.4330 of 2014

and

M.P. (MD) No.1 of 2014

T.Manasey

... Petitioner

-Vs-

1. The District Library Officer,
Nagercoil, Kanyakumari District.
2. The District Employment Officer,
Nagercoil, Kanyakumari District.
3. The Deputy Director,
District Soldiers, Sailors and Airmen Board,
(DSSA Board of Kanyakumari),
Nagercoil.
4. The Secretary to Government,
Personnel and Administration Reforms Department,
St. George Fort, Chennai-2.
5. The Secretary to Government,
Public Department, Secretariat,
St. George Fort, Chennai-2.
6. The Chairman,
Tamil Nadu Public Service Commission,
Chennai-9.

... Respondents

(R4 to R6 impleaded as per order dated 10.09.2014 in M.P.(MD)No.2 of 2014 in W.P.(MD)No.4330 of 2014).

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the second respondent to record the educational qualification of the petitioner immediately and subsequently sponsor the name of the petitioner for the post of Village Library Assistant or for any future selection within the period that may be stipulated by this Court.

For Petitioner
For Respondents

: Mr.S.Arivalagan
: Mr.S.Dhayalan,
Government Advocate.

**ORDER**

The relief sought for in the present Writ Petition is for a direction to direct the second respondent to record the educational qualification of the writ petitioner immediately and subsequently, sponsor the name of the petitioner for the post of Village Library Assistant.

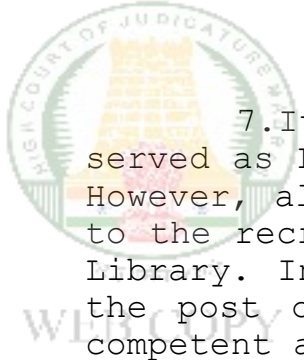
2.The learned counsel appearing on behalf of the writ petitioner states that the writ petitioner served in Indian Army in the rank of Naik for about 19 years and he was discharged from service. The army officials provided a certificate, stating that 15 years of army service is to be considered as graduation. Relying on the said certificate, the writ petitioner claims that he must be declared as qualified for appointment to the post of Village Assistant Library.

3.The learned counsel appearing on behalf of the writ petitioner states that even the District Employment Officer has refused to register the name of the writ petitioner with reference to the graduation qualification acquired by him by virtue of the service rendered in the Indian Army.

4.The writ petitioner earlier filed W.P.(MD)No.1279 of 2012 and this Court directed the respondents to consider the representation in this regard, and till today, no action has been taken with reference to the orders passed by this Court. Thus, the writ petitioner is constrained to move another Writ Petition.

5.The learned Government Advocate appearing on behalf of the respondents disputed the contentions raised on behalf of the writ petitioner by stating that the writ petitioner is not qualified for appointment to the post of Village Assistant Library. The minimum educational qualifications prescribed for appointment to the said post is +2 with certificate of Library in Science. Though the writ petitioner is possessing certificate in Library course, he has not possessed the +2 certificate and the Government has not issued any order of equivalence with reference to the services rendered by the writ petitioner in the Indian Army with the graduation. In the absence of any such equivalence order by the Government, the case of the writ petitioner cannot be considered for appointment to the post of Village Assistant Library.

6.This Court is of the considered opinion that commendable services rendered by the writ petitioner in the Indian Army undoubtedly are to be appreciated. Admittedly, the writ petitioner is an Ex-servicemen served in the cadre of Naik in the Indian Army for about 19 years. However, in respect of the appointment to the post of Village Assistant Library, the qualification and other criteria fixed in the recruitment rules are to be followed strictly.



7. It is further contended that the writ petitioner has served as Library Assistant for about 2 years in a largest Library. However, all these aspects are to be considered only with reference to the recruitment rules in force for the post of Village Assistant Library. In other words, service rules provided for appointment to the post of Village Assistant Library are to be followed by the competent authorities, while undertaking the process of selection.

8. The learned Government Advocate made a submission that the writ petitioner has not passed +2 course. He has passed S.S.L.C. When the minimum educational qualifications prescribed for the post is +2 with certificate of Library Course, the writ petitioner is not a qualified person for appointment to the post of Village Assistant Library.

9. This apart, the equivalence order has not been passed by the Government. The Court cannot grant any such equivalence with reference to the service rendered in the Indian army. The certificate issued by the Army officials cannot be taken as equivalent to the graduation, in the absence of any specific order by the Government of Tamil Nadu for the purpose of providing appointment into Government service. However, no such order of equivalence has been issued by the Government so far.

10. This being the factum, the name of the writ petitioner for registration of his qualification with reference to the service rendered in the Indian Army cannot be considered, more specifically, for appointment to the post of Village Assistant Library. However, if the writ petitioner is eligible for any other posts and if any quota for Ex-servicemen is also provided, it is left open to the writ petitioner to participate in the process of selection for such posts, for which he is fully qualified as per the recruitment rules in force.

11. With these clarifications, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

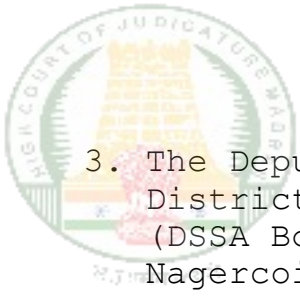
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Sub Assistant Registrar(CS)

To

1. The District Library Officer,
Nagercoil, Kanyakumari District.

<https://hcservices.ecourts.gov.in/hcservices/>
2. The District Employment Officer,
Nagercoil, Kanyakumari District.



3. The Deputy Director,
District Soldiers, Sailors and Airmen Board,
(DSSA Board of Kanyakumari),
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4. The Secretary to Government,
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5. The Secretary to Government,
Public Department, Secretariat,
St. George Fort, Chennai-2.

6. The Chairman,
Tamil Nadu Public Service Commission,
Chennai-9.

+1 CC to MR.S.ARIVALAGAN, Advocate (SR-76580[F] dated 22/07/2019)

W.P (MD) No.4330 of 2014
18.07.2019

MYR

MK (26.07.2019) 4P 8C