



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.08.2019

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THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR

WEB COPY

W.P.(MD).Nos. 15982 of 2016 and 4737 of 2017 and
WMP(MD).Nos. 3788 and 3789 of 2017

S. Haja Mohideen

.. Petitioner in both W.Ps.

Vs.

The Director of Public Library,
Directorate of Public Library,
Madras - 600 002.

..Respondent in both W.Ps.

PRAYER in WP(MD).No.15982 of 2016 :

Writ petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to give promotion to the petitioner from Grade - II librarian to Grade -I Librarian from the year 2011 and confer all the service benefits by considering the petitioner's representation dated 25.07.2016 within the period stipulated by this Court.

PRAYER in WP(MD).No.4737 of 2017 :

Writ petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the respondent's impugned seniority list in Na.Ka.No.491/௧1/2017-4, dated 13.02.2017 and quash the same and consequently, direct the respondent to include petitioner's name in the Final Seniority List for the post of Inspector of Libraries / Librarian Grade - I, as on 01.01.2017, within the period stipulated by this Court.

For Petitioner in both W.Ps. : Mr. A. Haja Mohideen

For Respondent in both W.Ps. : Mr.Aayiram K.Selvakumar,AGP

COMMON ORDER

The Writ Petition in W.P(MD).No.15982 of 2016 has been filed for issuing a direction to the respondent to give promotion to the petitioner from Grade - II to Grade -I Librarian from the year 2011 and confer all the service benefits by considering the petitioner's representation dated 25.07.2016 within the period stipulated by this Court.

The Writ Petition in W.P(MD).No.4737 of 2017 has been filed to call for the records of the respondent's impugned seniority list in Na.Ka.No.491/௧1 / 2017-4, dated 13.02.2017 and quash the same and direct the respondent to include petitioner's name in the



Final Seniority List for the post of Inspector of Libraries / Librarian Grade - I, as on 01.01.2017, within the time frame to be fixed by this Court.

2. According to the petitioner, he joined as a Grade-III, Librarian in Alagappapuram Branch in Kanyakumari District and subsequently, he was transferred to Agastheeswaram Branch of Kanyakumari District and again transferred to Alagappapuram Branch. The respondent has prepared the provisional seniority list of Librarian Grade - II for the year 2005 and in the list, the petitioner name was shown as S.No.6 and one Devaki shown as S.No.12. Thereafter, in the year 2006, respondent prepared the panel list by fixing the crucial date as on 01.01.2006. In the aforesaid list, the petitioner name shown at S.No.74 and the said Devaki name was shown as S.No.82. Thus, Devaki is Junior to him. The age criteria mentioned in G.O.No.160, Education dated 17.02.1992 was subsequently relaxed in G.O.No. 251, dated 03.10.2007. On 14.02.2011, while granting promotion, without considering the petitioner's seniority, promotion was granted to the said Devaki to the post of Grade I Librarian. The petitioner made a representation to the authorities to promote the petitioner as Grade - I, Librarian and place him above the said Junior Devaki. Without considering the petitioner's objection, the respondent has passed the impugned order based on the final seniority list, dated 01.01.2017 for the post of Librarian Grade I. Challenging the aforesaid order, the petitioner has filed W.P(MD).No. 4737 of 2017.

3. The learned Government Advocate appearing for the respondent filed counter affidavit and submitted that the petitioner acquired the requisite qualification only in the year 2015 (BA -5/2014 and BLIS 5/2015) for promotion to the post of Librarian Grade-I in the Graduate turn. At the time of giving promotion to the post of Librarian Grade - I to Devaki i.e., on 14.02.2011 in the graduate turn, the qualification of the petitioner was SSLC, CLIS, M.A., BLIS and he had not passed HSC and under Graduate (BA/BSC/B.Com etc.,). Therefore, as per G.O.Ms.No.107, Personnel and Administrative Reforms (M) Department, dated 18.08.2019, the petitioner was not eligible for promotion to the post of Librarian Grade-I, in the graduate turn in the year 2011. In respect of non graduate turn, the petitioner turn had not reached for consideration for promotion. Since the petitioner has acquired the requisite qualification only in the year 2015 (BA-5/2014 and BLISC 5/2015), the petitioner has no right to compare with Devaki, who was promoted as Librarian Grade -I, on 14.02.2011 in the graduate turn.

4. The learned Government Advocate appearing for the respondent further submitted that the petitioner was not qualified and not possessed under Graduate Degree as per the G.O.Ms.No.107, Personnel and Administrative Reforms (M) Department, dated 18.08.2019, the petitioner was not eligible for promotion to the post of Librarian Grade-I, in the graduate turn in the year 2011. In respect of non graduate turn, the petitioner turn had not reached for consideration for promotion. Since the petitioner has acquired the requisite qualification only in the year 2015 (BA-5/2014 and BLISC 5/2015), the petitioner has no right to compare with Devaki, who was promoted as Librarian Grade -I, on 14.02.2011 in the graduate turn.



respondent and after considering the same, , final seniority list was published vide the proceedings of the Director of Public Libraries Rc.No.491/A/2107-1, dated 13.02.2017 for the post of Librarian Grade - I / Inspector of Libraries.

5. I have heard the learned counsel appearing on either side and perused the materials available on record.

6. By considering the fact that the petitioner has not acquired the required qualification on the date of promotion of one Devaki, who was promoted in the year 2011, but, subsequently, it is brought to the notice of this Court that after acquiring the qualification, the petitioner was promoted as Inspector of Libraries in Thriunelveli District, in the graduate turn. Further, the petitioner has challenged the promotion of said Devaki, without impleading her in the present Writ Petition.

7. In view of the above, this Court is not inclined to accept the contention of the Petitioner in respect of WP(MD).No. 4737 of 2017 and the same is liable to be dismissed and accordingly, the Writ Petition in W.P(MD).No.4737 of 2017 is dismissed.

8. Considering the fact that the final seniority list prepared by the respondent and the petitioner has also been promoted to the post of Inspector of Libraries, the prayer sought for in the Writ Petition in WP(MD).No.15982 of 2016 has become infructuous. Hence, the Writ Petition in WP(MD).No.15982 of 2016 is dismissed as infructuous. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

Sub Assistant Registrar(CS)

trp

To

The Director of Public Library,
Directorate of Public Library,
Madras - 600 002.

+2 CC to M/s.A.HAJA MOHIDEEN, Advocate (SR-79651[F] dated 05/08/2019), 79650

+1 CC to M/s.SPL GP (SR-79724[F] dated 05/08/2019), 79802

W.P. (MD).Nos. 15982 of 2016 and 4737 of 2017 and
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KK/SAR/30.10.2019/3P-5C/

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