



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 04.12.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.25829 of 2019

and

W.M.P (MD) .No.22344 of 2019

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1.M.P.Karl Marx
2.E.Krishnamoorthy ... Petitioners

vs.

1.State of Tamil Nadu,
rep., by the Principal Secretary,
School Education Department,
Fort St.George,
Chennai-600 009.

2.The Director of Public Libraries,
Public Library Department,
No.737/1, Annasalai,
Chennai-600 002.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus, to direct the respondents to consider the petitioners for appointment through recruitment by transfer to the post of District Library Officer without giving any relaxation to the requisite experience qualification of 5 years of service as Librarian Grade-I/Inspector of Libraries or in a supervisory Cadre as per Tamil Nadu Educational Service Adhoc Rules as amended and contained in G.O.Ms.No.104, School Education (PL 1) Department, dated 23.05.2018 while making appointment through Recruitment by transfer to the post of District Library Officer within the time stipulated by this Court.

For Petitioners : Mr.S.Louis
For Respondents : Mr.A.Thiagarajan
Government Advocate

O R D E R

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2.Though the petitioner has sought for issuance of writ of mandamus to the respondents to consider the petitioners for appointment through recruitment by transfer to the post of District Library Officer without giving any relaxation of experience qualification, in my view, such a decision is to be taken by the respondents and in case, the petitioners are aggrieved against such any decision, it would be appropriate to approach this Court.



3.The petitioners would submit that they have already made representations on 02.11.2019 and 07.11.2019 in this regard, which is said to be pending. If these representations are directed to be disposed of within stipulated time, the ends of justice could be secured.

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4.Whenever a representation is made to a statutory authority to redress the claim of the employee, there is a duty cast upon the respondents to consider the same on its own merit and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. Such an inaction would amount to dereliction of duties and thereby this Court would be justified in invoking its extraordinary powers under Article 226 of Constitution of India and thereby direct the such authority to consider the representation within the stipulated time.

5.In view of the above observations, there shall be a direction to the respondents herein to consider the petitioners' representations, dated 02.11.2019 and 07.11.2019 respectively, in the light of G.O.(Ms).No.104, School Education (PL1) Department, dated 23.05.2018 and on its own merits and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its view with regard to the claim made by the petitioners in their representation and it is for the respondents to consider the same in accordance with law.

6.With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (crl.side)

// True Copy //

Sub Assistant Registrar(CS)

rmk

To:-

1.The Principal Secretary,
School Education Department,
Fort St.George,
Chennai-600 009.

2.The Director of Public Libraries,
Public Library Department,
No.70, 1st Annasalai, Chennai-600 002.

<https://hcservices.hc.madras.gov.in/hcservices/>



+1 CC to M/s.S.LOUIS, Advocate (SR-103545[F] dated 05/12/2019)
+1 CC to SPL GP (SR-103838[F] dated 06/12/2019)

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