

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2020

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.13216 of 2013

R.Rajalakshmi

... Petitioner

Vs.

1.The Secretary to Government,
Government of Tamil Nadu,
School Education Department,
Fort St.George,
Chennai - 600 009.

2.The Director of Public Libraries,
O/o.The Director of Public Libraries,
737/1, Anna Salai,
Chennai - 600 002.

3.The District Library Officer
cum Secretary to Local Library Authority,
Thiruvallur District,
Thiruvallur.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the respondents No.1 and 2 from filling up the post of Assistant Director of Public Libraries at 2nd respondent office without publication of the seniority list of feeder post Superintendents in accordance with the law within stipulated item on the basis of the petitioner's representations dated 11.04.2013.

For Petitioner : Mr.R.Arumugam

For Respondents : Mr.S.Suresh Kumar
Government Advocate

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus forbearing the respondents 1 and 2 from filling up the post of Assistant Director of Public Libraries at second respondent office without publication of the seniority

list of feeder post Superintendents in accordance with the law within stipulated item on the basis of the petitioner's representation dated 11.04.2013.

2.The case of the petitioner is that the petitioner was selected through Tamil Nadu Public Service Commission and was appointed as Junior Assistant during the year 1994 in the second respondent office. Thereafter, the petitioner was promoted as Assistant and was further promoted as Superintendent. According to the petitioner, she was frequently transferred by the second respondent and if the second respondent had not transferred her frequently she would have been the senior most person eligible to be promoted to the post of Assistant Director at the second respondent office.

3.It is the further case of the petitioner that despite vacancy for the post of Assistant Director arose on 01.05.2011, the second respondent had sent proposal to the first respondent to fill up the post of Assistant Director without preparing the seniority list of eligible Superintendents. As per Rules 4, 35 and 36 of the Tamil Nadu State and Subordinate Service Rules, it is mandatory for the second respondent to prepare seniority list for promotion to the post of Assistant Director, Libraries. The petitioner made representations to the respondents to publish the seniority list for the post of Assistant Director, Libraries and since there is no response, has filed this writ petition.

4.The second respondent has filed counter stating that the petitioner's promotion or transfer does not adversely affect her seniority for further promotion and that her name was also considered for promotion among other qualified candidates. It is further stated panel for the post of Assistant Director of Public Libraries was prepared before it was filled up. In the panel, one Mrs.M.Sumathi is placed in due position taking into account of her service and seniority in the post of Superintendent. The appointment panel was drawn and copy was placed in the notice board. The petitioner is far junior to one Mrs.M.Sumathi in all respects.

5.Heard the arguments advanced on either side and perused the materials available on record.

6.The facts in the present case is not disputed. The grievance of the petitioner is that without preparing the seniority list for promotion to the post of Assistant Director, Libraries, the second respondent had sent proposal to the first respondent to fill up the post of Assistant Director of Public Libraries.

7.However, perusal of the counter affidavit reveals that panel for the post of Assistant Director of Public Libraries was prepared before it was filled up. In the panel, one Mrs.M.Sumathi is placed in due position taking into account of her service and seniority in the post of Superintendent. The appointment panel was drawn and copy was placed in the notice board. The petitioner is far junior to one Mrs.M.Sumathi in all respects.

8.Hence, this Court is of the opinion that without challenging the panel for the post of Assistant Director of Public Libraries, the petitioner filing this writ petition seeking issuance of Writ of Mandamus is not sustainable.

9.The writ petition is accordingly dismissed. However, liberty is granted to the petitioner to work out the remedy in the manner known to law. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

- 1.The Secretary to Government,
Government of Tamil Nadu,
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Fort St.George,
Chennai - 600 009.
 - 2.The Director of Public Libraries,
O/o.The Director of Public Libraries,
737/1, Anna Salai,
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 - 3.The District Library Officer
cum Secretary to Local Library Authority,
Thiruvallur District,
Thiruvallur
- +1 cc to The Government Pleader, Sr.No. 31134

W.P.No.13216 of 2013

VSNI (CO)
RMP (14/10/2020)