



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :02.12.2020

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THE HONOURABLE MR.JUSTICE **KRISHNAN RAMASAMY**

W.P. (MD) No.17366 of 2020

N.Palaniyammal

...Petitioner

Vs

1.The State of Tamilnadu,
represented by the Secretary to Government,
Education Department,
Fort St.George,
Chennai 600 009.

2.The Director of Public Libraries,
No.737/1, Anna Salai,
Chennai 600 002.

3.The District Library Officer,
District Library Office,
Virudhunagar,
Virudhunagar District.

... Respondents

PRAYER: This Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Na.Ka.No.4748/A2/2019 dated 15-10-2019 passed by the 2nd respondent and quash the same as illegal and consequently direct the 2nd respondent to appoint the petitioner in the post of Grade III Librarian by way of recruitment by transfer from the post of Village Librarian with effect from 01-10-2013 along with all monetary benefits and arrears of pay, by extending the benefits of G.O.Ms.No.101, School Education (Po.Nu.1) Department, dated 12-05-2015 within a time frame that may be stipulated by this Court.

For Petitioner : Mr.B.S.Meltiue

For Respondents : Mr.N.Shanmugaselvam

Additional Government Pleader

ORDER

This Writ Petition is filed to quash the impugned order passed in Na.Ka.No.4748/A2/2019 by the 2nd respondent dated 15.10.2019 and to direct the 2nd respondent to appoint the petitioner in the post of Librarian Grade-III, by transferring her from the post of Village Librarian with effect from 01.10.2013.

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

3.The learned counsel appearing for the petitioner would submit that the petitioner was selected and appointed as Village Librarian



on temporary basis by the 3rd respondent against a regular sanctioned vacant post, vide proceedings dated 24.09.2008.

4.The main contention of the learned counsel appearing for the petitioner is that the respondents have to regularize the service of a Village Librarian, after the completion of 5 years of service with upgradation of Librarian Grade-III from the date of initial appointment, in the light of G.O.(ID) No.2, School Education (K2) Department, dated 05.02.1997 and that the petitioner has made a representation dated 29.11.2019 to the respondents requesting them to regularize the service of the petitioner with upgradation of Librarian Grade-III, but the respondents have not considered the same. Hence, the petitioner and others have filed W.P.(MD) Nos.4512 of 2018 and batch before this Court and this Court, by a common order dated 25.04.2019, directed the respondents to dispose of the petitioner's representations dated 29.11.2019 including the representations of others.

5.In compliance of the aforesaid order of this Court dated 25.04.2019, the 2nd respondent, by proceedings dated 15.10.2019, had passed final orders, by rejecting the claim of the petitioner. Challenging the same, the petitioner is before this Court.

6.Mr.N.Shanmugaselvam, learned Additional Government Pleader, who accepts notice on behalf of the respondents, would submit that challenging the impugned order passed by the 2nd respondent dated 15.10.2019, the petitioner has already preferred an appeal before the 1st respondent on 29.11.2019 and the same has been sent through RPAD. However, without obtaining any orders from the 1st respondent, the petitioner has approached this Court by way of filing this writ petition. He would further submit that if the petitioner produces the hard copies of the aforesaid appeal along with the typed set of papers before the 1st respondent, the same would be considered on merits and in accordance with law by the 1st respondent, within a period of three months.

7.The learned counsel appearing for the petitioner has also agreed with the submission of the learned Additional Government Pleader appearing for the respondents.

8.Heard the learned counsel on either side.

9.Admittedly, challenging the impugned order dated 15.10.2019, the petitioner has preferred an appeal dated 29.11.2019 before the 1st respondent, which was sent through RPAD to the 1st respondent. However, without obtaining any orders from the 1st respondent, the petitioner has approached this Court by way of filing this writ petition, which does not warrant any interference of this Court.



10. In the light of the above, this Court is inclined to pass the following directions:-

i) the petitioner is directed to send the hard copies of the appeal dated 29.11.2019 along with the typed set of papers, if any, to the 1st respondent, within a period of three weeks from the date of receipt of a copy of this order; and

ii) on receipt of such appeal papers, if any, the 1st respondent is directed to consider the petitioner's appeal dated 29.11.2019 and pass appropriate orders on merits and in accordance with law, within a period of twelve weeks therefrom;

11. With the above directions, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:-

1. The Secretary to Government,
Education Department,
Fort St. George, Chennai 600 009.

2. The Director of Public Libraries,
No. 737/1, Anna Salai, Chennai 600 002.

3. The District Library Officer,
District Library Office,
Virudhunagar,
Virudhunagar District.

+1 CC to M/s. SPL GP (SR-23940[F] dated 03/12/2020)

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02.12.2020

KM (CO)

KB (14.12.2020) 3P 5C