

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 30.03.2021
CORAM:

The HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.8185 of 2021

A.Jothiramalingam

... Petitioner

-vs-

1. The Government of Tamilnadu,
Rep. by its Secretary to Government,
Education Department,
Secretariat, Chennai - 600 009.

2. The Director of Public Library,
Anna Salai, Chennai - 600 002.

3. The District Library Officer,
Vellore District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents herein to give regular time scale of appointment as a Village Librarian notionally 01.12.2005 in the light of the G.O.(1D) No.166, School Education Department, dated 02.05.2016 by considering the petitioner representation dated 12.01.2021, within a specified time limit that may be prescribed by this Court.

For Petitioner : Mr.T.Sellapandian

For Respondents: Mr.P.Raja,
Government Advocate

सत्यमेव जयते
O R D E R

This Writ petition is filed, seeking a direction to the respondents herein to give regular time scale of appointment as a Village Librarian notionally 01.12.2005 in the light of the G.O.(1D) No.166, School Education Department, dated 02.05.2016 by considering the petitioner representation dated 12.01.2021, within a specified time limit that may be prescribed by this Court.

2. Mr.P.Raja, learned Government Advocate takes notice for Respondents. By consent, the Writ Petition is taken up for final disposal at the admission stage.

3. According to the petitioner, as he is working in the post of part time Village Librarian for more than 19 years with necessary qualifications, he is entitled to be absorbed as Village Librarian. In similar circumstance, one Loganathan has filed a Writ petition in W.P.Nos.12007 of 2008 seeking for a direction to direct the respondents to appoint him as Village Librarian and the same was allowed and confirmed by the Division Bench of this Court in W.A.Nos.207 of 2014 and 1363 of 2014. Thereafter, the Government passed G.O.(D) No.166, School Education Department, implementing the order passed by this Court in favour of the petitioner namely Loganathan. Hence, the petitioner claims appointment as a Village Librarian notionally 01.12.2005 in the light of the said G.O.(D) No.166, School Education Department, dated 02.05.2016, by considering the representation of the petitioner dated 12.01.2021.

4. Considering the facts and circumstances of the case and taking into account the fact that the petitioner's representation is already pending with the respondents, the Writ Petition is disposed of with the following directions:

i) A direction is issued to the 1st respondent herein to consider of the representation preferred by the petitioner dated 12.01.2021, if not already disposed of, and pass appropriate orders thereon, in accordance with law, after affording an opportunity of hearing to the petitioner and other persons, if any, who are likely to be affected, as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order;

ii) In case the petitioner is unable to appear for personal hearing, the petitioner is entitled to send a written submission within a period of one month from the date of receipt of a copy of this order through registered post or speed post and the same shall be treated as personal hearing. It is made clear that the petitioner can avail the opportunity of either personal hearing or filing written submission and not both;

iii) In case the petitioner fails to appear or file a written submission in time, the 1st respondent shall pass orders based on the available records and the petitioner, cannot at a later point of time take a stand that opportunity of being heard is not given to the petitioner;

iv) The petitioner shall furnish Mobile Number, email ID, if any, etc., along with a copy of the representation dated 12.01.2021 and this order, to the 1st respondent forthwith;

v) The 1st respondent is directed to communicate the decision taken on the appeal, to the petitioner within a period of three weeks from the date of decision taken thereon, by way of SMS/Email/registered post/speed post, so that there is no need for the petitioner to file contempt after expiry of the specified period. In case the authorities concerned fail to send

communication to the petitioner, they will have to face the civil imprisonment in case of contempt proceedings. If they are unable to serve the order and the cover being returned un-served for one reason or the other, the same shall be kept in the file without opening it for the proof of delivery, so that the petitioner, later on, will not take a plea that the petitioner is not aware of the order. No costs.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

vum
To

1. The Government of Tamilnadu,
Rep. By its Secretary to Government,
Education Department,
Secretariat,
Chennai - 600 009.
2. The Director of Public Library,
Anna Salai, Chennai - 600 002.
3. The District Library Officer,
Vellore District.

+1cc to Mr.S.Mani, Advocate SR.No. 20794
+1 cc to Government Pleader Sr.No. 21039

A.SK(29.06.2021)

W.P.No.8185 of 2021

सत्यमेव जयते

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