



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.01.2021

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.25191 of 2002

M.Selvaraj : Petitioner

Vs.

1.The Vice Chancellor,
Madurai Kamaraj University,
Madurai -21.

2.The Registrar,
Madurai Kamaraj University,
Madurai - 625 021.

: Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus, to call for the records resulting in the impugned order No.Esst.II/T-1/2001, dated 15.05.2001 issued by the second respondent herein and quash the same as illegal and to direct the respondents to implement the revision of pay scales to the petitioner on the basis of the recommendations of University Grant Commission by duly taking into account the total years of services as stipulated in G.O.Ms.No.1786, Education, dated 05.12.1998 with all consequential benefits.

For Petitioner
For R2

:Mr.R.Santhanam
:Mr.T.Sakthi Kumaran

ORDER

The case of the petitioner is that the petitioner was initially appointed as Junior Assistant by the second respondent and subsequently, he was promoted as Junior Technical Assistant on 18.01.1978 and his service was regularised with effect from 20.01.1978 and subsequently, the Junior Technical Assistant post was re-designated on 01.01.1986 as Assistant Librarian and the scale of pay was fixed as Assistant Librarian on 01.01.1986 as per University Grant Commission's norms. Subsequently, the Government of Tamil Nadu issued a clarification in G.O.Ms.No.286, Education (G2) Department, dated 10.03.1989 to the effect that while fixing the revised scale of pay, the length of service to the Librarian Director of Physical Education in Government and aided colleges be calculated without reference to any date. The Government granted



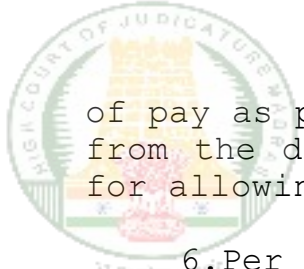
further time limit of two years from 10.03.1989 to the existing Assistant Librarian to qualify themselves to get M.Lib., and fixed the pay at Rs.2,200-4000 with usual benching benefits

2.Subsequently, the Government of Tamil Nadu issued another Government Order by extending the time limit of two years from 25.09.1989 to acquire the qualification stipulated in G.O.Ms.Nos.392 and 393, Education, dated 16.04.1985 and G.O.Ms.No,1352, dated 25.09.1989. The respondents while implementing the UGC scale of pay, fixed the petitioner's pay as Rs.2,200-2000 notionally from 20.01.1985 with monetary benefits from 01.01.1991 from the date of his promotion to the Secondary Grade Technical Assistant with a condition to acquire P.G.decree qualification within two years from 11.11.1991.

3.The petitioner completed his Post Graduate decree in the year 1995 and immediately he submitted a representation to the first respondent herein requesting him to refix his pay as per the University Grants Commission's scale of pay under Career Advancement Scheme, computing his total length of service as Assistant Librarian from 20.01.1978, as he has completed his Post Graduate degree within the stipulated period. Thereafter, the Commissioner of Collegiate Education, vide order, dated 15.02.1995 granted the relief to the effect that the condition of completing Post Graduate degree stipulated in G.O.Ms.No.392, Education, dated 16.04.1985, has been relaxed.

4.Thereafter, the petitioner made a representation to the first respondent requesting him to fix his scale as per the University Grants Commission's scale of pay under Career Advancement Scheme. However, the respondents did not grant the relief as sought for by the petitioner. Hence, the petitioner has filed a Writ Petition before this Court, in W.P.No.2784 of 2001 and this Court, by its order, dated 14.02.2001 issued a direction to the second respondent to dispose the petitioner's representation, dated 30.10.1998 within a period of two months from 14.02.2001. Thereafter, in compliance of the aforesaid direction, the respondents have passed the impugned order, dated 15.05.2001 rejecting the petitioner's request for re-fixation of scale of pay as per UGC Career Advancement Scheme. Challenging the same, the present Writ Petition is filed.

5.The learned Counsel for the petitioner would submit that the issue involved in this Writ Petition is covered by a decision in O.A.No.2392 of 1991 and G.O.Ms.No.392/1985, dated 16.04.1985. The learned Counsel for the petitioner would further submit that the aforesaid decision would make it clear that the qualification for the Assistant Librarian post is M.Lib., was fixed only after 1986 and the petitioner's appointment was in the year 1978, as Junior Technical Assistant. That post was redesignated in the year 1986. Hence, the qualification fixed subsequently, is not applicable to the petitioner and that the petitioner is entitled to fix his scale



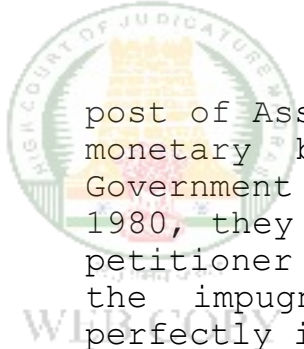
of pay as per the UGC regulation under the Career Achievement Scheme from the date of his initial appointment and accordingly, he prays for allowing this Writ Petition.

6. Per contra, the learned Counsel for the respondents would submit that though the petitioner was initially appointed as Junior Technical Assistant, for that post, the qualification of M.Lib., degree is not necessary. However, thereafter, the post was re-designated as Assistant Librarian, in which, pre-requisition qualification is required and the person has to complete M.Lib., degree. Since the post was re-designated, if the petitioner seeks entitlement of re-fixation of scale of pay as per UGC under the Career Advancement Scheme, as per letter dated 29.04.1992, the petitioner has to complete M.Lib., degree on or before 01.04.1993 and pay was notionally fixed from 1985 with monetary benefits from 01.01.1991 and the said notional benefit was granted computing the petitioner's length of service and the monetary benefit was granted from 01.01.1991 with a direction to the petitioner to himself acquire the required qualification. Hence, the impugned order is perfectly in order in terms of the Government orders and hence, this Court cannot interfere with the impugned order and accordingly, he prays for dismissal of this Writ Petition.

7. Heard Mr.R.Santhanam, learned Counsel for the petitioner and Mr.T.Sakthikumaran, learned Standing Counsel for the second respondent.

8. The grievance of the petitioner is that re-fixation of pay to the post of Assistant Librarian by computing his total length of service as Assistant Librarian and for payment of arrears thereon. The further case of the petitioner is that he was initially appointed as Junior Technical Assistant. However, that post was re-designated in the year 1986 as per UGC pay scale and subsequently, the UGC pay scale was fixed for the post of Assistant Librarian. Since the petitioner's post was re-designated as Assistant Librarian in the year 1986, the petitioner claims that he is entitled to pay as per UGC scheme from the year 1980. However, he possess the pre requisition qualification of Master in Librarian Science only in the year 1995. Admittedly, the petitioner did not possess the qualification of M.Lib., which is pre requisition qualification for acquiring said post at the time of issuing G.O.Ms.No.392, dated 16.04.1985.

9. On perusal of the above said Government order makes it clear that the Librarians appointed on or before 01.04.1980, should possess the qualification, namely, good academic record with atleast a high second class Master's Degree in a subject other than library Science with M.Lib. Degree. Admittedly, the petitioner did not acquire the qualification at the time of re-designation and he acquired the qualification only in the year 1995. Hence, the



post of Assistant Librarian. Though the post was re-designated, the monetary benefit was not granted to the petitioner, as the Government Order makes it clear that the person appointed after 1980, they must possess B.Lib., and M.Lib., degree. Admittedly, the petitioner had acquired qualification only in the year 1995. Hence, the impugned order passed by the respondents Univerisity is perfectly in order.

10.In view of the observations made above, I do not find any merit in this Writ Petition and accordingly, this Writ Petition is dismissed. No costs.

Sd/
Assistant Registrar

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Sub Assistant Registrar(CS-)

W.P.No.25191 of 2002
18.01.2021

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