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WP No.29108 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01-12-2022

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.29108 of 2019

And

WMP Nos.28878 of 2019 and 16165 of 2020

M.Manthiramoorthi

..

Petitioner

vs.

1.The State of Tamil Nadu,
Represented by its Principal Secretary to Government,
School Education Department,
Secretariat,
Fort St. George,
Chennai-600 009.

2.The Director of Public Libraries,
737/1, Anna Salai,
Chennai-600 006.

3.The Chief Librarian and Information Officer,
Anna Centenary Library,
Kotturpuram,
Chennai-600 085.



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4.The Secretary,
Tamil Nadu Public Service Commission,
TNPSC Road, VOC Nagar,
Park Town,
Chennai-600 003.

5.K.Reshma Begam

6.M.Sathyendran

7.A.Subbulakshmi

8.G.Stephen
(R-5 to R-8 impleaded vide order of Court
dated 01.12.2022 made in WMP
23553 of 2022 in WP 29108 of 2019)..

Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, forbearing the respondents from filling up the post of Librarian and Information Assistant Grade-I in pursuant to Notification No.33/2018 dated Advertisement No.521 dated 14.11.2018 issued by the fourth respondent and the subsequent ranking list issued in No.Nil dated 17.09.2019 by appropriating the vacancies meant for promotion in violation of G.O.Ms.No.44, School Education Department, dated 23.02.2016, notified in the Tamil Nadu Government Gazette dated 23.02.2016 and consequently directing the respondents to fill up the vacancies to the post of Librarian and Information Assistant Grade-I by promotion by considering the petitioners as per the Service Rules.



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For Petitioner

: Mr.S.Nedunchezhiyan

For Respondents-1 to 3

: Mr.S.Silambanan,
Additional Advocate General
Assisted by Ms.S.Mythreye
Chandru, Special Government
Pleader.

For Respondent-4

: Mr.R.Bharanidharan,
Standing Counsel for TNPSC.

For Respondents-5 to 8

: Mr.I.Calvin Jones for
M/s.Ajmal Associates.

ORDER

The relief sought for in the present writ petition is to forbear the respondents from filling up the post of Librarian and Information Assistant Grade-I in pursuant to Notification No.33/2018 dated Advertisement No.521 dated 14.11.2018 issued by the fourth respondent and the subsequent ranking list issued in No.Nil dated 17.09.2019 by appropriating the vacancies meant for promotion in violation of G.O.Ms.No.44, School Education Department, dated 23.02.2016, notified in the Tamil Nadu Government Gazette dated



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23.02.2016 and consequently directing the respondents to fill up the vacancies to the post of Librarian and Information Assistant Grade-I by promotion by considering the petitioners as per the Service Rules.

2. The petitioner states that he was appointed as Librarian and Information Assistant Grade-II in Anna Centenary Library, Chennai in the year 2010 after due selection through the Teachers Recruitment Board (TRB). The petitioner further states that he is eligible for promotion to the post of Librarian and Information Assistant Grade-I.

3. However, the respondents have not followed the rules for promotion. Therefore, the petitioner was deprived of his promotion to the post of Librarian and Information Assistant Grade-I. The petitioner has narrated the rule position, which is not disputed by the respondents.

4. The counter filed by the first, second and third respondents, provides the Rule position, which reads as under:-

“6. The Anna Centenary Library was established in the



year 2010. In G.O.Ms.No.47, School Education Department, dated 03.03.2010 and G.O.Ms.No.164, School Education Department, dated 17.06.2010 various new posts were created and sanctioned to the Anna Centenary Library. Out of the total 195 sanctioned posts, the Government in G.O.Ms.No.182, School Education (K2) Department, dated 07.07.2010 granted permission to fill up 108 posts temporary in the first instance to enable the functioning of the Anna Centenary Library.

7. Pursuant to the orders issued in G.O.Ms.No.182, School Education Department, dated 07.07.2010, the following posts were filled up by Direct Recruitment through Teachers Recruitment Board:-

1. Librarian and Information Officer	09
2. Assistant Librarian and Information Officer	17
3. Librarian and Information Assistant Grade I	36
4. Librarian and Information Assistant Grade II	36

	98
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The petitioner herein was appointed to the post of Librarian and Information Assistant Grade-II by direct recruitment in the year 2010.

8. In the year 2016 adhoc rules for the post of Librarian and Information Officer were issued in G.O.Ms.No.43, School



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Education Department, dated 23.02.2016 and for the posts of Assistant Librarian and Information Officer, Librarian and Information Assistant Grade-I and Librarian and Information Assistant Grade-II, in G.O.Ms.No.44, School Education Department, dated 23.02.2016 respectively. As per Rule 3 and Rule 5(b) of the adhoc rules for the post of Assistant Librarian and Information Officer, Librarian and Information Assistant Grade-I and Grade-II, the method of appointment and the qualifications prescribed for the said posts are as follows:-

Post	Method of Appointment
<i>Assistant Librarian and Information Officer</i>	<i>i) By Direct Recruitment and ii) By promotion from the post of Librarian and Information Assistant Grade-I in Anna Centenary Library Provided that appointment by direct recruitment and by promotion shall be in the ratio of 1:1</i>
<i>Librarian and Information Assistant Grade-I</i>	<i>i) By Direct Recruitment and ii) By promotion from the post of Librarian and Information Assistant Grade-II in Anna Centenary Library Provided that appointment by direct recruitment and by promotion shall be in the ratio of 1:1</i>
<i>Librarian and Information Assistant Grade-II</i>	<i>By Direct Recruitment</i>

Qualifications



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Post	Method of Appointment	Qualification
1. Assistant Librarian and Information Officer	i) By Direct Recruitment ii) By Promotion	i) A Master's Degree of a University recognised by the University Grants Commission (10+2+3+2 pattern); and A Master's Degree in Library Science or Library and Information Science of a University recognised by the University Grants Commission.
2. Librarian and Information Assistant Grade-I	i) By Direct Recruitment ii) By Promotion	i) A Bachelor's Degree of a University recognised by the University Grants Commission ((10+2+3 pattern) ii) A Bachelor's Degree or Master's Degree in Library Science or Library and Information Science of a University recognised by the University Grants Commission.
3. Librarian and Information Assistant Grade-II	By Direct Recruitment	i) A Bachelor's Degree of a University recognised by the University Grants Commission ((10+2+3 pattern)



Post	Method of Appointment	Qualification
	ii) By Promotion	ii) A Bachelor's Degree or Master's Degree in Library Science or Library and Information Science of a University recognised by the University Grants Commission.

9. As per Rule 3 of the adhoc rules, the posts of Librarian and Information Assistant Grade-I are to be filled up by direct recruitment and by promotion from the feeder category, following the ratio of 1:1.

10. In the year 2016, the number of vacancies estimated for the post of Librarian and Information Assistant Grade-I was 10 which included 8 actual vacancies and 2 resultant vacancies that arose due to the promotion of the holders of the posts of Librarian and Information Assistant Grade-I to the next higher post. The adhoc rules for the posts of Librarian and Information Assistant Grade-I mandates that the appointment by direct recruitment and by promotion shall be in the ratio of 1:1. Accordingly five vacancies (i.e., 50% of the total estimated vacancies) were filled up by promotion from among the incumbents working in the feeder category (i.e.,) Librarian and Information Assistant Grade II as per seniority and the remaining 5 vacancies were notified for appointment by direct recruitment by the Tamil Nadu Public Services



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Commission.”

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5. The learned Additional Advocate General appearing on behalf of the official-respondents made a submission that the Authorities followed the ratio of 1:1 for promotion and direct recruitment. As per the rules, they have not violated. Thus the case of the writ petitioner is to be considered within the ambit of the rule and whenever his turn comes for promotion to the post of Librarian and Information Assistant Grade-I.

6. In respect of the other selections by way of direct recruitment, there is no impediment for the Authorities to proceed in accordance with the rules and with reference to the Notification issued in consonance with the Service Rules in force.

7. It is needless to state that the case of the writ petitioner is also to be considered whenever his turn comes for promotion in the order of seniority and as per the eligibility and in compliance with the rules for promotion.



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8. Accordingly, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

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Index : Yes/No.

Internet : Yes/No.

Speaking Order/Non-Speaking Order.

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To

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S.M.SUBRAMANIAM, J.

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