



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.17422 of 2019

P.Selvaraj

... Petitioner

vs.

The Director of Public Libraries
Government of Tamil Nadu
Office of the Director of Public Libraries
Anna Salai, Chennai

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus calling for the records relating to the impugned order passed by the respondent in Na.Ka.No.1351/A3/2013 dated 10.07.2019 and quash the same and consequently direct the respondent to rework the seniority of the petitioner by preparing year wise panel of Grade-I Librarian and District Library Officer from the year 2005 instead of the year 2011 and grant notional promotions from the appropriate cut off dated with consequent monetary benefits.

For Petitioner : Mr.M.Kannan

For Respondent : Mr.D.S.Nedunchezian
Government Advocate

O R D E R

The order of rejection, dated 10.07.2019, passed by the respondent, rejecting the claim of the petitioner for retrospective promotion to the post of District Library Officer is under challenge in this writ petition.

2. The petitioner was appointed as Grade-III Librarian on 01.06.1985. He completed M.A.Degree in Open University during December, 1999 and thereafter, completed B.Lis., in the year 2003. Based on the said degrees, the petitioner claimed promotion to the post of District Library Officer. However, the said claim was rejected on the ground that the petitioner completed M.A.Degree through Open University and such Open University degrees are declared as invalid by the Honourable Supreme Court in the case of **Annamalai University vs. Secretary to Government, Information and Tourism Department**, reported in (2009) 4 SCC 590 and the said decision has been implemented by the Government of Tamil Nadu. However, the case of the petitioner was considered in the panel of the year 2016-2017 as he acquired the necessary qualification and he was promoted to the post of District Library Officer on 31.05.2017 and retired from service on 31.05.2019.



3. The name of the petitioner was not considered for promotion during the relevant point of time in view of the fact that he was possessing requisite educational qualification and at that point of time, he was possessing M.A.Degree through Open University, which is invalid. Thereafter, on acquiring necessary qualification, he was promoted to the post of District Library Officer and subsequently, retired from service.

4. In such circumstances, the petitioner is not entitled for retrospective promotion to the post of District Library Officer and there is no infirmity in respect of the reasons furnished by the respondent for the non-consideration of the claim of the petitioner. Accordingly, the writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (P&A)

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/ /2022

Sub Assistant Registrar(CS)

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To:

The Director of Public Libraries,
Government of Tamil Nadu,
Office of the Director of Public Libraries,
Anna Salai, Chennai.

+1 CC to M/s.SPL.GP (SR-17004[F] dated 06/04/2022)

+1 CC to M/s.M. KANNAN, Advocate (SR-17321[F] dated 07/04/2022)

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