



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:25.03.2022

CORAM:

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**

W.P. (MD) Nos.27366, 27368, 27371, 27377, 27379, 27381 to
27383 of 2019

and WMP Nos.23639, 23641, 23632, 23642, 23634, 23644,
23635 and 23646 of 2019

M.Nandhakumar	...	Petitioner in WP(MD).27366 of 2019
P.Venkateswaran	...	Petitioner in WP(MD).27368 of 2019
R.Mohanapriya	...	Petitioner in WP(MD).27371 of 2019
G.Manivannan	...	Petitioner in WP(MD).27377 of 2019
K.Nagalakshmi	...	Petitioner in WP(MD).27379 of 2019
P.Subburaj	...	Petitioner in WP(MD).27381 of 2019
S.Amsavalli	...	Petitioner in WP(MD).27382 of 2019
M.Shellamani	...	Petitioner in WP(MD).27383 of 2019

Vs.

1.The State of Tamil Nadu

Represented by the Principal Secretary
School Education Department
Fort St. George, Chennai 600 009.

2.The Director of Public libraries

Public Library Department
No.737/1 Anna Salai
Chennai

... Respondents in all WPs

PRAYER W.P. (MD) Nos.27366, 27368, 27371 of 2019:

Writ Petitions are filed under Article 226 of the Constitution of India for issuance of a writ of Certiorarified Mandamus to call for the records pertaining to the impugned order in Na.Ka.No.2681/A2/2019 dated 05.12.2019 on the file of the respondent No.2 and quash the same as illegal and consequently to direct the respondent No.1 to regularize the petitioner as Grade III Librarian, with effect from the date of completion of 2 years of service as Full Time Village Librarian, with all service and monetary benefits within the time stipulated by this Court.

Prayer in WP(MD). 27377, 27379, 27381 to 27383 of 2019 :

Writ Petitions are filed under Article 226 of the Constitution of India, praying this Court Call for the records pertaining to the impugned order in Na.Ka.No.2682/A2/2019, dated 05-12-2019 on the file of the Respondent No.2 and quash the same as illegal and consequently to direct the Respondent No.1 to regularise the petitioner as Grade-III Librarian with effect from the date of completion of 10 years of service as the Full Time Village Librarian with all monetary and service benefits within the time stipulated by this Honourable Court.



For Petitioner : Mr.N.Arjun Kumar for
Mr.S.Louis (in all W.Ps)
For Respondents : Mr.G.V.Vairam Santhosh
Additional Government Pleader
(in all W.Ps)

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COMMON ORDER

The order of rejection dated 05.12.2019 rejecting the claim of the writ petitioners for promotion to the post of Grade III Librarian in the public Libraries Department is under challenge in the present writ petitions.

2. The petitioners were appointed as Village Librarians and the grievances of the writ petitioners are that they should be promoted to the post of Grade III Librarians. In this regard, the petitioners submitted several representations and they were not considered. Therefore, writ petitions were filed in W.P.(MD) Nos.4939 to 4941 of 2019 and this Court passed an order on 01.03.2019 to provide an opportunity to the writ petitioners by considering the representations and pass appropriate orders.

3. Pursuant to the directions issued by this Court, the representations of the writ petitioners were considered. No doubt, the petitioners may be qualified for promotion to the post of Grade III Librarian. However, mere eligibility is not a ground to seek promotion. Promotions to be granted strictly in accordance with the rules in force. Employees cannot claim promotion as a matter of right. If at all there is a provision for such promotion under the rules and an administrative decision is taken by the competent authorities to fill up the post and a panel is to be prepared and thereafter all the eligible persons are to be considered. This being the procedure to be followed, the petitioners cannot merely seek promotion to the post of Librarian Grade III. The order impugned states that as per G.O.Ms.No.60 School Education Department dated 27.04.2006 the mode of appointment to the post of Grade III Librarian under Rule 3 in Table 5a is as follows:

- "i) By promotion from the post of record clerk in Public Libraries Department or
- ii) By recruitment by transfer from any other service or
- iii) By direct recruitment if no suitable candidate is available in methods (i) and (ii) above."

4. Therefore, if at all the appointment to the Grade III Librarian post is to be made, it is to be made strictly in accordance with the above rule. It is further clarified that the post of village librarian is not a feeder category for promotion to the post of Grade III Librarian. When the village librarian post is



not a feeder category, the petitioners cannot claim any promotion to the post of Grade III librarian as a matter of right.

5. In view of the facts and circumstances, the petitioners have not established any acceptable ground for the purpose of considering the relief and there is no infirmity in respect of the decisions taken by the competent authorities. The writ petitions stand dismissed. No costs. Consequently connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS-III)

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/ /2022

Sub Assistant Registrar(CS)

RR

To

1.The Principal Secretary
School Education Department
Fort St. George, Chennai 600 009.

2.The Director of Public libraries
Public Library Department
No.737/1 Anna Salai
Chennai

+1 CC to M/s.SPL GP (SR-14847 & 14922[F] dated 28/03/2022)

W.P. (MD) Nos.27366 27368, 27371, 27377, 27379 and
27381 to
27383 of 2019
25.03.2022

ks (CO)

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