



W.P.No.11907 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2023

CORAM :

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

W.P.No.11907 of 2013
and M.P.Nos.1 & 2 of 2013

D.Kumaresan

... Petitioner

Vs.

- 1) The State Commissioner,
For Disabled Rehabilitation,
Government of Tamil Nadu,
Jawaharlal Nehru,
Inner Ring Road, K.K.Nagar,
Chennai 600 078
- 2) The Director,
Department of Public Library,
Government of Tamil Nadu,
Anna Salai,
Chennai 600 002
- 3) The District Library Officer,
Department of Public Library,
No.2C, Weavers colony,
Dharmapuri District.
- 4) The District Employment Officer,
Dharmapuri District, Dharmapuri.
- 5) M.Arumugam

... Respondents



W.P.No.11907 of 2013

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Declaration, declaring that the selection and appointment to the post of Rural Librarian in Dharmapuri District made by the third respondent as illegal and consequently, directing the respondents 2 and 3 to appoint the petitioner as Rural Librarian as per the interview held on 16.04.2012.

For Petitioner : Mr.M.R.Jothimanian
For RR 1 to 4 : Mr.Abishek,
Government Advocate
For R5 : Mr.Naveenkumar Murthi

ORDER

This writ petition has been filed for declaring the selection and appointment to the post of Rural Librarian in Dharmapuri District made by the third respondent as illegal and consequently, for issuance of a direction to the respondents 2 and 3 to appoint the petitioner as Rural Librarian as per the interview held on 16.04.2012.

2. According to the learned counsel for the petitioner, the petitioner has completed B.A. (History), certificate course in Library and Information Science in May 1999 and he has also completed Typewriting and Shorthand-



W.P.No.11907 of 2013

Senior Grade. According to the petitioner, he belongs to the Backward Community and he has registered his educational qualification in the fourth respondent Employment Exchange. According to him, he was affected by Polio and therefore, he has difficulties in walking and the disability was confirmed by the certificate issued by the first respondent Department stating his disability as 60%.

3. According to the petitioner, as per Government Orders, he was called for the interview to the post of typist, junior assistant in various departments in Dharmapuri District through the fourth respondent employment exchange. The petitioner would state that though he was called for the interview, he was not selected and all appointments were made politically in extraneous consideration.

4. According to him, his name was sponsored by the fourth respondent employment exchange to the post of Rural Librarian, based on the employment seniority and the third respondent issued a call letter to the petitioner on 10.04.2012, asking him to appear for certificate verification on



W.P.No.11907 of 2013

16.04.2012 at 10:00 A.M. at the office of the District Library. Accordingly, the petitioner had submitted all his certificates and after verification of the certificates, when the petitioner was in a fond hope that he will be getting the appointment order, he was not appointed. It was stated that the appointment for the post of Rural Librarian was purely based on the interview and the persons who have scored high marks in the interview, have got selected and the petitioner did not get selected because he scored less marks in the interview. Aggrieved against his non-appointment, the petitioner has filed the writ petition.

5. The learned Government Advocate appearing for the respondents would state that 195 persons were sponsored through the fourth respondent employment exchange, following the procedure as contemplated under G.O.Ms.No.142, dated 14.10.2009 for reservation in the appointment. The selection was completed and there was no malafide in the selection. The selection was made purely on the basis of the Government Orders following the rules of reservation and therefore, the prayer in the writ petition need not be considered and prayed for the dismissal of the writ petition.



W.P.No.11907 of 2013

WEB COPY

6. Perusal of records show that the petitioner had filed a writ petition in W.P.No.28061 of 2012, challenging the proceedings of the second respondent, dated 19.07.2012, wherein it has been stated that the petitioner was not considered for the post of Librarian and the same will be filled up based on the G.O. and on the interview to be conducted, thereby rejecting the petitioner's request for appointment. It is also not the case of the petitioner that his candidature was rejected after the interview. The second respondent/Director of Department of Public Library has stated in the impugned order that the selection will be made only on the basis of rules and regulations and seniority. Against the said order, writ petition in W.P.No.28061 of 2012 was filed and the same came to be dismissed by this Court on 16.10.2010 on the ground that the results have not been so far published.

7. It is seen that the learned counsel for the petitioner, even in the present writ petition, would challenge the appointment of the fifth respondent all on surmises stating that the reply under the R.T.I. Act was totally in



W.P.No.11907 of 2013

contrary to the procedures contemplated in the appointment. According to the petitioner, 36 persons were appointed, who are sponsored through employment exchange and according to him, four persons were not sponsored and two persons were not eligible. The petitioner has made all the allegations purely on surmises and not on any evidences. As far as the post of Rural Librarian is concerned, there were six vacancies and the petitioner applied for the post of Rural Librarian and he is not able to establish before this Court, specifically, the appointment of the persons to the above post was contrary to the Rules and Regulations.

8. This Court is of the opinion that the present writ petition is filed purely on presumptions and assumptions of the petitioner, who is being one of the person sponsored and therefore, the writ petition fails. Accordingly, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

03.01.2023

Internet : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes /No
sts



W.P.No.11907 of 2013

To:

WEB COPY

- 1) The State Commissioner,
For Disabled Rehabilitation,
Government of Tamil Nadu,
Jawaharlal Nehru,
Inner Ring Road, K.K.Nagar,
Chennai 600 078
- 2) The Director,
Department of Public Library,
Government of Tamil Nadu,
Anna Salai,
Chennai 600 002
- 3) The District Library Officer,
Department of Public Library,
No.2C, Weavers colony,
Dharmapuri District.
- 4) The District Employment Officer,
Dharmapuri District, Dharmapuri.



WEB COPY



W.P.No.11907 of 2013

J.NISHA BANU, J.,

sts

Order made in
W.P.No.11907 of 2013

Dated:
03.01.2023