



W.P.No.17420 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2023

CORAM :

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.No.17420 of 2023

P.Kamalakannan

... Petitioner

Vs.

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

2.The Director of Public Libraries,
Directorate of Public Libraries,
737, Anna Salai,
Chennai - 600 002.

3.The District Library Officer,
Chennai District,
737, Anna Salai,
Chennai - 600 002.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to sanction incentive increment to the petitioner for acquiring MLIS Degree by treating two years Foundation



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Course obtained by the petitioner in the year 2002 as valid and equivalent to +2, without reference to G.O.Ms.No.144, P & AR Department dated 20.11.2017, in consideration of representation of the petitioner dated 29.11.2022, including payment of arrears of salary and other consequential benefits along with interest, within a time frame to be fixed by this Hon'ble Court.

For Petitioner : Mr. S.Nedunchezhiyan

For Respondents : Mr. P.Baladhandayutham
Special Government Pleader

ORDER

The petitioner seeks issuance of a Writ of Mandamus to sanction incentive increment to the petitioner by treating his two years Foundation Course in the year 2002 as equivalent to +2 and valid without reference to G.O.Ms.No.144, P & AR Department dated 20.11.2017, in pursuance of his representation dated 29.11.2022.

2. The brief facts as set out by the writ petitioner in the affidavit filed in support of the writ petition are that he was initially appointed as Record Clerk in the year 1994 in the Department of Public Libraries, Villupuram and subsequently, his services were regularized with effect from 02.06.1994.



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3. The petitioner while in service, after obtaining due permission from the Department, joined two years Foundation Course in Annamalai University in the year 2001 and duly completed the same in December 2002. As per G.O.Ms.No.219, Personnel and Administrative Reforms (P & AR) Department dated 30.03.1988, the two years Foundation Course underwent by the petitioner was equivalent to Higher Secondary Course.

4. The petitioner has made several representations to the Department seeking incentive increment for MLIS Degree in accordance with the orders already passed by the third respondent as early as on 10.06.2010.

5. The grievance of the writ petitioner is that the said representation has not been acted upon.

6. The petitioner has also states that at the time of his entry in the Public Service, it was sufficient that Foundation Course be completed as per G.O.Ms.No.219, Personnel and Administrative Reforms (P & AR) Department dated 30.03.1988, which declared the same qualification equivalent to +2 (HSC). However, the respondents are citing G.O.Ms.No.144, Personnel and Administrative Reforms (M) Department dated 20.11.2017 to deny the



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petitioner's benefits. Be that as it may, the petitioner has made a representation as early as 29.11.2022 to the second respondent.

7. Heard the learned counsel for the petitioner and the learned Special Government Pleader for the first to third respondents.

8. Considering the limited scope of prayer/relief sought for in this writ petition, the second respondent is directed to consider the representation of the writ petitioner dated 29.11.2022, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

9. While carrying out such exercise, the second respondent may taken into account the orders passed by the third respondent and also the relevant Government Orders concerning the subject matter.

10. This Writ Petition is disposed of with the above direction. No costs.



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Index : Yes / No

Internet : Yes / No

Speaking Order/Non-Speaking Order

Neutral Citation : Yes / No

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To

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P.B.BALAJI, J.

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