



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.07.2023

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No. 23408 of 2019

And

W.M.P.No. 23176 of 2019

R.M.Ramesh Kumar

... Petitioner

..Vs..

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

2. The Director of Public Library
Anna Salai, Chennai – 600 002.

3. The District Library Officer
Coimbatore District.

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus calling for the entire records which culminated in passing the order bearing Na.Ka.No.462/A2/2017 dated 12.02.2018 of the 2nd respondent, and quash the same and consequently directing the 1st respondents to consider and pass



appropriate orders on the proposal sent by the 3rd respondent in his proceedings in Na.Ka.No. 4842/A1/2016 dated Nil.12.2016 signed on 08.12.2016 for appointing the petitioner to the post of Village Librarian in the light of the Judgment dated 10.11.2014 in W.A.No. 1363 of 2014 confirming the order dated 28.03.2013 in W.P.No. 12007 and 12009 of 2009 with all consequential benefits and in accordance with law.

For Petitioner :: Mr. P.Ganesan

For Respondents :: Mr.S.Ravikumar
Special Government Pleader

ORDER

The Writ Petition has been filed in the nature of Certiorarified Mandamus seeking records relating to an order dated 12.02.2018 in Na.Ka.No. 462/A2/217 of the second respondent and quash the same and direct the first respondent to consider and pass appropriate orders on the proposal sent by the third respondent in proceedings in Na.Ka.No. 4842/A1/2016 of December 2016 and appoint the petitioner to the post of Village Librarian.



2. The petitioner placed reliance on a Judgment of a Division Bench of this Court dated 10.11.2014 in W.A.No. 1363 of 2014, [*The Secretary to Government, Education Department and others Vs. C.Loganathan*] wherein the Division Bench had confirmed the order of a learned Single Judge in W.P.No. 12009 of 2008 dated 28.3.2013, [*G.Loganathan Vs. the Secretary to Government, Education Department and another*].

3. The petitioner, had completed his +2 in March 1980 and had joined as Village Librarian Assistant on 01.03.1996 under proceedings of the third respondent, the District Library Officer, Coimbatore District. He then passed the Certificate of Library Information Science (CLIS) exam in October 1998. He was therefore eligible to be considered for appointment to the post of Grade-II Librarian which required as educational qualification of +2 pass and CLIS certificate. He was working as part time Librarian for a period of 23 years.

4. It was stated that another individual, who was similarly placed, Loganathan, also sought appointment as part time Village Librarian but the



respondents had rejected such appointment on the ground that the name of Loganathan was not sponsored through the employment exchange. That issue was decided by a learned Single Judge in W.P.No. 12009 of 2009 wherein by Judgment dated 28.03.2013, the Writ Petition was allowed and the condition imposed by the respondent that the name should be sponsored through employment exchange was interfered with and set aside.

5. The subsequent Writ Appeal in W.A.No. 1363 of 2014 was also dismissed by a Division Bench dated 10.11.2014.

6. In the impugned order, the petitioner had been refused to be posted as part time Librarian only because of the fact that his name was not sponsored through the employment exchange.

7. The learned Special Government Pleader pointed out two Government Orders, namely, G.O.Ms.No. 156, School Education (K2) Department dated 10.09.1998 and G.O.Ms.No. 170, School Education (K2) Department dated 17.07.2007. In the first Government Order, it had been stated that adhoc rules cannot be framed for the post of Village Librarian



and the guidelines to be followed were given. The guidelines related to an earlier Government Order in G.O.Ms.No. 66, Education Science and Technology, dated 30.01.1996.

8. In the annexure to the said Government Order, the guidelines for appointment had been given. The required had been given. The terms of appointment had been given. There were two windows of appointment, namely, by transfer from part time Librarian, who had put for 5 years of service and appointment through employment exchange or by direct recruitment.

9. In the second Government Order, namely, G.O.Ms.No. 170, the appointment of 27 individuals, whose names were sponsored by the employment exchange had been given.

10. However, this issue of a pre requisite condition of being sponsored by the employment exchange had been examined by the learned Single Judge in the Writ Petition aforementioned. The learned Single Judge had observed as follows:-



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“8. Today, there is no dispute that the petitioners hold the educational qualifications or a pass in the certificate course. They have been working as Part Time Librarians for the past more than 20 years. Therefore, at least from the date of fulfilment of the qualifications and other requirements, the petitioners are entitled to regular absorption.

9. In view of the above, both these Writ Petitions are allowed, directing the respondents to pass appropriate orders, within a period of 8 weeks, granting the benefit of regular absorption to the petitioners, with effect from the dates on which they became qualified for such absorption, on par with other similarly placed candidates. The said order shall be passed after relaxing the requirement of sponsorship through Employment Exchange. No costs. Consequently, connected miscellaneous petitions are closed.”

11. In the Division Bench, in the order in W.A.No. 1363 of 2014, paragraph Nos. 3 & 4 read as under:-



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“3. We have perused the pleadings, documents and also the counter affidavit filed by the appellants before the Writ Court. The only stand taken by the appellant before the Writ Court. The only stand taken by the appellant before the Writ Court was that the respondents were not qualified on account of the fact they were not sponsored by the Employment Exchange.

4. On a perusal of the Government Order, we found that there is no such requirement for appointment and it is stated therein that all the part time librarians, who have been working in Village Libraries, which were thereafter, converted to regular Village Library, be considered for regularisation. It is stated at the Bar that similarly placed part time librarians have already been considered and regularised on the post. In view of that, we do not find any error in the order sought to be impugned in this Writ Appeal and the Writ Appeal stands dismissed. No costs. The connected Miscellaneous Petition is also dismissed.”



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12. The ratio laid down applies to the petitioner also.

13. In view the facts that the petitioner has requisite qualification, having qualified in Higher Secondary and also having the necessary certificate, namely, CLIS, a direction is issued to the respondents, to pass appropriate orders within a period of 8 weeks granting the benefit of regular absorption to the petitioner with effect from the date on which he became qualified for such absorption on par with other similarly placed candidates. The said order must be passed after relaxing the requirement of sponsorship through employment exchange.

14. The above is the order passed in the aforementioned Writ Petition. It is again reiterated by this Court.

15. It is to be noted that thereafter, the respondents had also enforced the directions given by the learned Single Judge, as affirmed by the Division Bench.



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16. In view of the above observations, the Writ Petition stands allowed with a direction to absorb the petitioner in direct recruitment after relaxing the condition of being sponsored by the employment exchange. The entire exercise must be completed within a period of 8 weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

05.07.2023

vsg

Index: Yes/No

Internet: Yes/No

Speaking / Non Speaking Order

To

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Government of Tamil Nadu
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Coimbatore District.





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C.V.KARTHIKEYAN, J.,

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