



W.P.No.2537 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **04.09.2023**

CORAM

THE HON'BLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.2537 of 2019

M.Velu

... Petitioner

-Vs-

1. Government of Tamilnadu
Represented by its Principal Secretary
Higher Education (G2) Department
Fort St. George, Chennai – 600009.
2. The Director
Directorate of Collegiate Education
College Road, Chennai – 600 006.
3. The Principal
Government Mens Arts College
Krishnagiri District.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus calling for the entire record which culminated in issuing the government Letter No. 6431/G2/2017-8 dated 30.07.2018 on the file of the first respondent and quash the same and



W.P No.2537 of 2019

consequently direct the respondents herein to extend the benefit of G.O.Ms.No. 78 Higher Education (G2) Department dated 05.06.2014 to the petitioner so as to enable the petitioner to get appointment as Office Assistant with effect from 05.06.2014 and confer all the consequential benefits to him.

For Petitioner : Mr. S.Mani

For Respondents : Mr. S.Ravi Kumar
Special Government Pleader

ORDER

The Writ Petition has been filed in the nature of Certiorarified Mandamus seeking interference with the Government letter dated 30.07.2018 issued by the first respondent / Principal Secretary, Higher Education (G2) Department, Government of Tamilnadu in letter No. 6431/G2/2017-8 and to consequently direct the respondents to extend the benefit of G.O.Ms.No. 78 Higher Education (G2) Department dated 05.06.2014 to the petitioner and appoint the petitioner as Office Assistant with effect from 05.06.2014 and confer all the consequential benefits.



W.P No.2537 of 2019

WEB COPY

2. In the affidavit filed in support of the Writ Petition, it had been stated that the petitioner was initially appointed as Library Boy in the third respondent / Government Mens Arts College, Krishnagiri District, on daily wage basis. He is still continuing to work as Library Boy after nearly about 22 years, still on daily wage basis. It had been stated that subsequently there were several others like this petitioner, who were working as Library Boys in various colleges across the State of Tamilnadu. The Government had passed G.O.Ms.No. 87, School Education Department, dated 26.04.2010, relaxing both the employment and also the condition to be sponsored through the employment exchange and had regularised the services of 17 such Library Boys in various colleges as Office Assistant.

3. Seeking parity with them, the petitioner had earlier filed W.P.No. 4393 of 2017. A learned Single Judge by an order dated 22.02.2017 had directed the Government to examine the case of the petitioner herein in accordance with law after taking note of G.O.Ms.No. 87, School Education Department, dated 26.04.2010.



W.P No.2537 of 2019

WEB COPY

4. There was yet another Government Order in G.O.Ms.No. 78 School Education Department, dated 05.06.2014 which had been passed with respect to only one individual namely M.Thilagar, who was working as Library Boy in Mannar Sarobaji Government Arts College at Thanjavur and recommendation to recognise him as Officer Assistant was done through the aforementioned Government Order.

5. The learned counsel for the petitioner pointed out both the facts and stated that there is no reason why the petitioner should be singled out.

6. The learned Special Government Pleader on the other hand pointed out that the post in which the petitioners working namely Library Boy is not a sanctioned post. It is also contended by the learned Special Government Pleader that the petitioner's name was also initially not sponsored through employment exchange. It is therefore contended that the petitioner cannot seek employment as a matter of right. It is also further



W.P No.2537 of 2019

WEB COPY

contended by the learned Special Government Pleader that the petitioner had not completed 10 years of service when the initial G.O.Ms.No. 87 School Education Department dated 26.04.2010 had been passed.

7. However, it is the contention of the learned counsel for the petitioner that subsequently G.O.Ms.No. 78 School Education Department, dated 05.06.2014 had been passed with respect to M.Thilagar, who was working as Library Boy in Mannar Sarobaji Government Arts College at Thanjavur, and who had also not completed ten years on the date of passing of G.O.Ms.No. 87 dated 26.04.2010.

8. It is contended by the learned counsel that subsequently G.O.Ms.No. 78 was passed on 05.06.2014 after the said M.Thilagar had completed ten years of service. In the impugned order, there is no reference to G.O.Ms.No. 78 dated 05.06.2014. The petitioner has been in continuous employment for the post nearly 22 years.



W.P No.2537 of 2019

WEB COPY

9. It is only appropriate that since the Government had taken, on atleast two occasions, a conscious decision to recognise the post of Office Assistant to be selected from and out of the Library Boys in the various colleges, and there being no reasons afforded in the impugned order as to why the petitioner alone has been discriminated, I would issue a direction to the respondents to appoint the petitioner as Office Assistant. Hence, the impugned order is therefore set aside. The Writ Petition is allowed. No costs.

10. The petitioner may be considered for appointment of Office Assistant from the date on which he had completed 10 years of service. Necessary proceedings to be issued within a period of 16 weeks from the date of receipt of a copy of this order.

vsg

04.09.2023

Index:Yes/No

Neutral Citation:Yes/No



WEB COPY



W.P No.2537 of 2019

To

1. The Principal Secretary
Government of Tamilnadu
Higher Education (G2) Department
Fort St. George, Chennai – 600009.
2. The Director
Directorate of Collegiate Education
College Road, Chennai – 600 006.
3. The Principal
Government Mens Arts College
Krishnagiri District.



WEB COPY



W.P.No.2537 of 2019

C.V.KARTHIKEYAN,J.

vsg

W.P.No.2537 of 2019

04.09.2023