



WEB COPY



W.P.No.4417 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.4417 of 2024
and W.M.P.No.4754 of 2024

S.Sampath

...Petitioner

-Vs-

1. The State represented by
The Principal Secretary,
Health and Family Welfare Department,
Chennai.

2. The Director,
Public Health and Preventive Medicine,
Chennai – 6.

3. U.Kaviyarasu

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, in calling for the records in proceedings in R.No.3536012/E3/S3/2022-1 dated 03.12.2023 on the file of second respondent and quash the same as illegal and consequentially direct the second respondent to appoint the petitioner herein.

For Petitioner : Mr.S.Vijayakumar

For R1 and R2 : Mr.Tippu Sulthan
Government Advocate

ORDER



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This writ petition has been filed challenging the order passed by the second respondent dated 03.12.2023, thereby appointed the third respondent by transfer of service as Librarian Grade I.

2. Heard the learned counsel on either side and perused the materials available on record.

3. The petitioner was selected as Steno-Typist through Tamil Nadu Public Service Commission and appointed in the office of Directorate of Public Health and Preventive Medicine, Chennai. The petitioner had completed B.Sc (Zoology) and M.A (Sociology) and also completed bachelor's degree in Library Science in Annamalai University. While being so, the Directorate of Public Health and Preventive Medicine had issued a notification dated 23.12.2022 calling for application to the post of Librarian Grade-I. The recruitment for the said post shall be made by transfer from among the members of the Tamil Nadu Ministry, Service in the office of the Director of Public Health and Preventive Medicine; or recruitment by transfer from any other service; or no suitable and qualified candidates are available, by transfer or recruitment by transfer, or by direct recruitment.



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4. The learned counsel for the petitioner would submit that as per Section 26 of Tamil Nadu, Public Heath Subordinate Service, the requisite educational qualification for the said post is as follows:-

- (i) Must possess B.A or B.Sc., Degree of a University or Institution recognized by the University Grants Commission for the purposed of its grants;
- (ii) Must possess a diploma in Librarianship or a diploma in one or more of the European Languages;
- (iii) Provided that preference shall be given to those who possess diploma in Librarianship.

5. The petitioner also applied for the said post and his application was sent for verification. After verification of certificates, the third respondent was appointed as Librarian Grade I, by an order dated 03.12.2023. The learned counsel for the petitioner specifically contended that the third respondent did not possess any degree of B.A., or B.Sc. He is qualified with B.Tech degree. It cannot be considered for the said post as per the requisite educational qualification for the post of Librarian Grade I.

6. Admittedly, the petitioner was not selected to the post of Librarian Grade I. After due verification of certificates of the third respondent, the second



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respondent appointed the third respondent to the post of Librarian Grade I.

According to the second respondent, he is fully qualified to hold the post of Librarian Grade I. Therefore, on this ground, the appointment of third respondent cannot be quashed.

7. In view of the above, this writ petition is devoid of merits and is liable to be dismissed. Accordingly, this writ petition stands dismissed. Consequently, connected Miscellaneous petition is closed. There shall be no order as to costs.

23.02.2024

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

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- To
1. The Principal Secretary,
Health and Family Welfare Department,
Chennai.
 2. The Director,
Public Health and Preventive Medicine,
Chennai – 6.

G.K.ILANTHIRAIYAN. J.

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