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W.P.No.6858 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2024

CORAM:

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

W.P.No.6858 of 2024

M.Ganesha

...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,
735, Anna Salai,
Chennai 600 002.

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to pass orders for granting promotion to the post of Librarian based on the seniority and eligibility of the petitioner, by considering the equivalence of Foundation course from Annamalai University in accordance with G.O.Ms.No.219, P and AR Department dated 30.03.1988 as well as BLIS Degree acquired by the petitioner, without reference to G.O.Ms.No.144, P and AR Department dated 20.11.2017 in



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terms of orders passed in W.P.Nos.22437 and 22441 of 2019 dated 14.02.2020, in consideration of representation submitted by the petitioner dated 10.01.2023, within a time frame to be fixed by this Hon'ble Court.

For Petitioner : Mr.G.Sankaran, Senior Counsel
for Mr.S.Nedunchezhiyan
For R1 : Mrs.S.Mythreye Chandru
Special Government Pleader
For R2 : Mr.V.Veluchamy
Additional Government Pleader

ORDER

This writ petition has been filed for direction directing the respondents to pass orders for granting promotion to the post of Librarian based on the seniority and eligibility of the petitioner, by considering the equivalence of Foundation course from Annamalai University in accordance with G.O.Ms.No.219, P and AR Department dated 30.03.1988 as well as BLIS Degree acquired by the petitioner, without reference to G.O.Ms. No.144, P and AR Department dated 20.11.2017 in terms of orders passed in W.P.Nos.22437 and 22441 of 2019 dated 14.02.2020, in consideration of representation submitted by the petitioner dated 10.01.2023, within a time frame to be fixed by this Hon'ble Court.

2. Heard the learned counsel on either side and perused the



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materials available on record.

3. The petitioner was initially appointed as Lower Division Assistant in Connemara Public Library on 28.04.1989. Thereafter, the petitioner was promoted to Upper Division Assistant, Reference Assistant, Assistant Librarian and finally, he was promoted to the post of Deputy Librarian in the year 2019. The next avenue of promotion is to the post of Librarian. It has to be filled up by transfer from Deputy Librarian. As per the Special Rules, Diploma in Library Science in Madras University has been prescribed as eligible qualification for Deputy Librarian for promotion to the post of Librarian in Connemara Public Library by transfer. Insofar as the petitioner is concerned, he had completed 10th standard and had undergone foundation course, which is equivalent to +2. Thereafter, the petitioner also qualified with CLIS, BLIS, MLIS as well as B.A. (Population Studies) and M.A.(History). Therefore, the foundation course undergone by the petitioner was declared as equivalent to higher secondary education as per G.O.Ms.No.219, P and AR Department dated 30.03.1988 for the purpose



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of entry into service. While being so, the post of Librarian in Connemara Public Library became vacant in the year 2019 after retirement of incumbent one Rajini. The petitioner was posted as Librarian with effect from 01.07.2019. Therefore, the petitioner submitted a representation seeking regular promotion to the post of Librarian by recruitment by transfer. However, his request was not considered and he was relieved from the post of Librarian for the reason that another GO has been passed in G.O.Ms.No.144, P and AR Department dated 20.11.2017, thereby declared that the foundation course offered by various Universities in the State as not equivalent to SSLC and higher secondary course respectively. In fact, the petitioner's foundation course was already declared to be eligible qualification for appointment and promotion to the post of Librarian as per G.O.Ms.No.219 dated 30.03.1988. Therefore, G.O.Ms.No.144 dated 20.11.2017 cannot be applied retrospectively and it can only be given effect prospectively. Therefore, the said GO will not take away of the rights or benefits acquired by the candidate on the strength of earlier Government orders.

4. In view of the above, the respondents are directed to consider



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the case of the petitioner for promotion to the post of Librarian based on his seniority and eligibility by considering the equivalence of foundation course from Annamalai University in accordance with G.O.Ms.No.219, P and AR Department dated 30.03.1988 and pass orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

5. With the above directions, this writ petition is disposed of.

There shall be no order as to costs.

14.03.2024

Internet: Yes

Index : Yes/No

Neutral Citation : Yes/No

Speaking/Non Speaking order

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G.K.ILANTHIRAIYAN. J.



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To

1. The Principal Secretary
to Government,
State of Tamil Nadu,
School Education Department,
Fort St.George, Secretariat,
Chennai 600 009.
2. The Director of Public Libraries,
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