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W.P.No.23155 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.10.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.23155 of 2024
and
W.M.P.Nos.25298 & 25301 of 2024

R.Arikrishnan

.. Petitioner

Vs.

Tamilnadu Public Service Commission,
Rep. by its Chairman,
TNPSC Road, Broadway,
Chennai – 600 003.

.. Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records of the respondent in his proceedings - “Posts Included in Combined Library State / Subordinate Services Examination (Interview Posts) – List OT Annexure” dated 11.01.2024 and to quash the same as being illegal and unsustainable in law and for a consequential direction to the respondent to appoint the petitioner for the post of Library and Information Assistant Grade II if he comes within the zone of consideration.

For petitioner : Ms.N.Kavitha Rameshwar

For Respondent : Mrs.G.Hema
Standing Counsel



ORDER

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This writ petition has been filed challenging the proceedings of the respondent dated 11.01.2024 and for a consequential direction to the respondent to appoint the petitioner as Library and Information Assistant Grade-II.

2. When the writ petition came up for admission on 09.08.2024, this Court passed the following order:

“The learned counsel for the petitioner submitted that, the respondent/TNPSC published a recruitment notification inviting candidates to the Posts included in the list of Combined Library State/Subordinate Services Examination. Pursuant to the above notification, the petitioner submitted his application and participated in the written examination conducted by the respondent-Commission and had secured 297 marks in the written examination.

2.1. The contention of the learned counsel for the petitioner is that, the candidates, who have secured only 276, 274 and 271 marks were called for the Oral test, and despite the petitioner scoring more than the said marks, viz., 297 marks, the petitioner has not called for the Oral Exam.

3. The learned counsel for the respondent would submit that subsequent to the declaration of results, the candidates have



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called for the Oral test, however, so far, no appointment has been made.

4. Intervening at this stage, the learned counsel for the petitioner would submit that, in the event, if the candidates, who secured marks 297 and above were not considered either during document verification or failure on the part of the candidates in producing required experience certificate, in which case, the respondent intends to appoint any other candidate, who secured lesser marks than the prescribed marks, then, the respondent ought to have duly intimated about the defects, so that the petitioner could have rectified the same. However, no such opportunity was given to the petitioner. Hence, the learned counsel for the petitioner would submit, the respondent/TNPSC without resorting to such other options, the candidates who have secured lesser marks were called for the oral test.

5. Considering the submissions made by the learned counsel for the petitioner, this Court is of the view that the petitioner has made out a prima facie case and it appears to be genuine. Therefore, there shall be a direction to the respondent to reserve one post for the appointment to the post of Librarian and Information Officer in Anna Centenary Library, until the disposal of this Writ Petition.

6. Post this matter after four weeks.”

3. When the writ petition was taken up for hearing today, counter affidavit of the respondent was filed. Relevant portions are extracted



hereunder:

“6.It is further humbly submitted that, the petitioner candidate Thiru.R.Arikrishnan, (Reg.No.0101001223) belonging to BC(OBCM) was shortlisted for Onscreen Certificate Verification for both the Interview posts in the said recruitment vide Commission's list dated 14.08.2023, based on merit and other conditions stipulated in the said notification.

7.It is humbly submitted that with reference to experience, the remarks by Scrutiny Committee (HoD) on the experience acquired by the petitioner for certain posts are as follows:-

Sl. No.	Name of the Post	Scrutiny Committee (HoD) report	Remarks
1.	Librarian and Information Officer in Anna Centenary Library (Interview Post)	The petitioner had completed his PG Degree in the year of May 2019. The Scrutiny Committee (HoD) has verified the certificates of the candidate. The candidate does not have 5 years of experience after completing his educational qualification. The scrutiny Committee had reported that this petitioner had shortfall in Experience for the post. (Not Considered)	The application of the candidate had not been considered for the post of Librarian and Information Officer in Anna Centenary Library as he has not acquired requisite experience as mentioned in para 5(B) of Note (iii) in Notification No.04/2023, dated 31.01.2023.
2.	District Library Officer (Interview Post)	Considered for the post	He had not reached the zone of consideration for Oral Test for the post of District Library Officer. In the List for Oral Test for the said recruitment, his register number was include in the Annexure of the said list under the heading “the candidates with the following



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Sl. No.	Name of the Post	Scrutiny Committee (HoD) report	Remarks
			Register Number have not been considered as they have not reached the zone of consideration for provisional admission to Oral Test in the ratio of 1:3”.
3.	Librarian and Information Assistant Grade II for Kalaigamar Memorial Library and Anna Centenary Library in Public Libraries Department (Non-Interview Post)	---	The Petitioner had absented partially for the Non-Oral Test subject paper examination. As per para 9(2)(d) of Notification No.04/2023, dated 31.01.2023, the paper attended by him was not evaluated. Hence, he is not eligible for admission to On Screen Certificate Verification to the post, as per the publication list dated 01.03.2024.

8.The petitioner belongs to BC(OBCM) category, the details of marks obtained by the petitioner in the said examination are as follows:

<i>Paper-I (Subject Paper)</i>	-	<i>222.00</i>
<i>Part-B (General Studies) of Paper-II</i>	-	<i>75.00</i>
<i>Total</i>	-	<i>297.00</i>

ii) The candidate belonging to BC(OBCM) category in the said recruitment, cut-off marks for admission to Oral Test, is mentioned as below:-

S. No.	Name of the Post	Distribution of vacancies	Cut-off marks for admission to Oral Test
1.	Librarian and Information Officer in Anna Centenary Library in Public Libraries Department	BC(G)-1 Total:1	BC(G)-271.50 (With 5 years experience)



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S. No.	Name of the Post	Distribution of vacancies	Cut-off marks for admission to Oral Test
2.	District Library Officer in Tamil Nadu Educational Service	GT(G)-1; MBC/DC(G)-1; SC(A)(W)(PSTM)-1 Total:3	GT(G)-312.00 MBC/DC(G)-279.00 SC(A)(W)(PSTM)-184.50 (With 3 years experience)

4.Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent.

5.In the instant case, the petitioner had applied for selection to the post of Librarian and Information Officer in Anna Centenary Library and also to the post of District Library Officer. In so far as the post of Librarian and Information Officer in Anna Centenary Library, there is no dispute with respect to the educational qualification possessed by the petitioner. The dispute that has been raised in the counter affidavit pertains to the experience of the petitioner as Librarian.

6.In the counter affidavit, it has been stated that the scrutiny committee went through the materials submitted by the petitioner and found that the petitioner does not have five years of experience as Librarian after completing his educational qualification. In view of the same, the petitioner was not considered for appointment to the post of



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Librarian and Information Officer in Anna Centenary Library.

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7.The petitioner had provided the following details with respect to his experience while submitting the application and for proper appreciation, the same is extracted hereunder:

*“Have you possess Experience as
LIBRARIAN for a period of not less than
FIVE YEARS in ACADEMIC or PUBLIC
or SPECIAL or CORPORATE LIBRARIES? : Yes / ஆம்*

Name of the Workshop / Factory / நிறுவனத்தின் பெயர்	Post held / பதவி	Period – From / பதவிக் காலம் முதல்	Period – To / பதவிக் காலம் வரை	Nature of Experience / பணியின் தன்மை
ANNA CENTENARY LIBRARY	LIBRARIAN AND INFORMATION ASSISTANT-GR1	2010-10-11	2923-01-31	CLASSIFICATION AND CATALOGUING SUPERVISOR
SNT Global academy of management studies and technology	LIBRARIAN	2009-07-06	2010-09-30	Overall library administration
SREE SARASWATHI THYAGARAJA COLLEGE	LIBRARIAN	2006-12-08	2009-06-30	OVERALL LIBRARY ADMINISTRATION
V.L.B.JANAKIA MMAL COLLEGE OF ARTS AND SCIENCE	ASSISTANT LIBRARIAN	2005-03-07	2006-12-02	CIRCULATION, PERIODICALS MANAGEMENT & TECHNICAL PROCESSING

8.The notification states that the candidate must have experience as Librarian for a period of not less than five years in Academic or



Public or Special or Corporate Libraries. The experience of the petitioner spans to nearly 12 years. The petitioner in fact had worked in Anna Centenary Library itself apart from working in the Educational Institutions and in an Academic Institution. This experience that was possessed by the petitioner is also backed up with sufficient materials and the scrutiny committee has not considered the same and the scrutiny committee has come to the conclusion that the petitioner is not having five years of experience as Librarian.

9.In so far as the eligibility of the petitioner considering both his educational qualification and experience, no such dispute was raised when the petitioner was called for Certificate Verification. When the candidature of the petitioner was rejected through the impugned proceedings dated 11.01.2024, the petitioner was informed that he had not reached the zone of consideration for provisional admission to oral test in the ratio of 1:3. The rejection of the candidature of the petitioner was not on the basis of not satisfying the eligibility conditions.

10.This dispute is raised for the first time in the counter. To substantiate the above finding, the experience certificate, that was signed



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by the Chief Librarian and Information Officer, Anna Centenary Library, Chennai, is scanned and extracted hereunder:

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ANNEXURE - V
Experience certificate for the posts of Librarian and Information Officer in Anna Centenary Library and District Library Officer

1.	Name and Address of the Institution/ Organization*	:	ANNA CENTENARY LIBRARY CHENNAI - 65
2.	Whether the said Institution Organisation is State Government/ Central Government/ Private	:	STATE GOVERNMENT
3.	Name of the Employee and Date of Birth	:	R.ARIKRISHNAN 2 05/06/1976
4.	Qualification possessed by the Employee on the Date of Joining Service in the above said Institution/ Organisation	:	BA MLISC
5.	Designation and period of Experience of the Employee (To be mentioned by issuing authority)	:	LIB. INFN. ASST. GR-I 12 YEARS 4 MONTHS
6.	Nature of the Work/ Duty performed by the Employee (To be mentioned in brief)	:	CLASSIFICATION 2 CATALOGUING, SUPERVISOR
7.	Whether the Employee possesses experience as laid in the Notification for the Post of <u>DLO</u> (relevant post may mentioned)	:	YES 3 YEARS 2 5 MONTHS
8.	Whether Attendance Register/ Attendance Rolls/ Pay Register and other records/ available for this Employee	:	YES

Office Seal: 
Date: 22 FEB 2023
Place:

Signature: 
Name & Designation of the issuing Authority:
CHIEF LIBRARIAN AND INFORMATION OFFICER
Anna Centenary Library
Chennai - 65 005

Note:

- * Institution/ Organisation means Schools/ Colleges/ Universities/ Private Organisation which has Library
- * Institution/ Organisation which issues the certificate is cautioned that issuing of any certificate containing false details will lead to legal/ penal action on them.

11.The next post to which the petitioner had applied was the post of District Library Officer. A stand has been taken in the counter affidavit that the petitioner did not reach the zone of consideration. In so



far as zone of consideration is concerned, it will depend upon the marks secured by a candidate and the category under which he is claiming for appointment. The petitioner was claiming for appointment under the category of BC(OBCM). The petitioner had admittedly secured 297 marks in the written examination. In so far as the post of Librarian and Information Officer in Anna Centenary Library, the cut off marks that was fixed to the oral test was 271.50. The petitioner had secured 297 marks. On going through the final list that was published after adding the oral test, it is seen that three candidates under BC (OBCM), who had secured lesser marks than the petitioner have been called for the oral test. They had secured 276, 274.50 and 271.50 marks respectively.

12.If the candidature of the petitioner had been rejected on the ground that he did not come within the zone of consideration, there is absolutely no reason as to why three of the candidates under the same category who have secured lesser marks than the petitioner have been called for the oral test.

13.In the counter affidavit, it also deals with the post of Librarian and Information Assistant Grade-II for Kalaighnar Memorial Library and



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Anna Centenary Library. The petitioner has not even applied for this post and hence, there is no reason to go into this issue raised in the counter affidavit.

14.In the light of the above discussion, this Court finds that the grounds that has been raised in the counter for rejecting the candidature of the petitioner is unsustainable. Hence, the name of the petitioner has to necessarily added and he has to be called for the oral test. Depending upon the marks secured by the petitioner, his candidature for appointment to the post of Librarian and Information Officer in Anna Centenary Library and District Library Officer has to be considered. This is in view of the fact that this Court had already directed the respondent to keep one post vacant by an order dated 09.08.2024.

15.In the result, this Writ Petition is allowed with the above directions. Consequently, the connected Miscellaneous Petitions are closed. No costs.

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Index : Yes / No



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Internet : Yes / No

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N.ANAND VENKATESH, J.

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To

Tamilnadu Public Service Commission,
Rep. by its Chairman,
TNPSC Road, Broadway,
Chennai – 600 003.

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