



WP(MD) No.17758 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **31.07.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.17758 of 2024

and

W.M.P.(MD)Nos.15238 & 15239 of 2024

N.Balasubramanian

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. By Secretary to Government,
School Education Department,
Fort St.GEorge,
Chennai – 600 009.

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

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus calling for the records relating to the impugned order passed by the 1st respondent vide his impugned proceedings in Letter No.1195/P.Nu1/2024-2 dated 02.04.2024 and quash the same as illegal and consequentially directing the respondents to fix the seniority of the petitioner in the cadre of Librarian Grade-I and accordingly consider for promotion to the post of



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District Library Officer with notional effect on par with the petitioner's junior and disburse all the consequential service and monetary benefits within the period that may be stipulated by this Court.

For Petitioner : Mr.S.Mohamed Suhail

For Respondents : Mr.T.Amjad Khan

Government Advocate

ORDER

The petitioner has filed this writ petition challenging the impugned order passed by the first respondent vide his proceedings in Letter No.1195/P.Nu1/2024-2 dated 02.04.2024 with a consequential direction to the respondents to fix the seniority of the petitioner in the cadre of Librarian Grade-I and also to consider the petitioner for promotion to the post of District Library Officer with notional effect on par with the petitioner's junior and disburse all the consequential service and monetary benefits within the period that may be stipulated by this Court.

2. Heard the learned counsel on either side.



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3. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

4. The petitioner, who was appointed as Record Clerk on 01.10.1969 under the second respondent, retired from service on 30.06.2007 holding the post of II Grade Librarian. Pursuant to the Government Order issued in GO(Ms)No.1735, dated 11.12.1989, statewide seniority of Librarian Grade III level was published. Being deprived of the same, Tamil Nadu Administrative Tribunal introduced single unit system and integrated seniority list was prepared. After several litigations, pursuant to the order of the Division Bench, final revised seniority list dated 10.02.2011 was published, wherein the petitioner's name was found.

5. It is the case of the petitioner that the seniority list dated 10.02.2011 does not pertain to the post of District Library Officers as the same fell under totally a different service. The petitioner's post of Librarian Grade II was given notional with effect from 12.07.2001 and Librarian Grade – I with effect from 03.02.2003. The petitioner was



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retired from service on 30.06.2007 and accordingly, his retirement benefits have also been disbursed. However, his seniority was not revised qua the post of District Library Officer. In this regard, the petitioner made several representations and after so many litigations, finally the representation of the petitioner was considered by way of the impugned order rejecting the request stating that proposed reversion in the event of revising seniority in the cadre of District Library Officer was turned down as per the judgment of the Division Bench of this Court and therefore, the revision of seniority in the cadre of District Library Officer cannot be done.

6. The learned counsel appearing for the petitioner submitted that when the seniority list in the cadre of Librarian Grade I and Grade II was revised, the consequential seniority in the cadre of District Library Officer ought to have been revised and hence, the reason assigned in the impugned order is unsustainable.

7. The learned Government Advocate appearing for the respondents submitted that some of the persons have filed petitions



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seeking for implementation of the GO(Ms)No.1735, dated 11.12.1989, based on the seniority to the post of District Library Officer. It is further clarified that these petitions came to be filed because of the reason that while publishing seniority list in terms of GO(Ms)No.1735, dated 11.12.1989, some confusions have been caused and those persons who have been directly recruited to the post of District Library Officer have been reverted to the post of Grade I and III Librarians. The judgment rendered by the Division Bench of this Court dated 06.09.2018 made in WA.No.1755 of 2015 and WP(MD)No.735 of 2015 is not made applicable to the case of the petitioner. Hence, he seeks for dismissal of this writ petition.

8. It is relevant to refer to the judgment dated 06.09.2018 rendered by this Court in W.A.No.1755 of 2015 and WP(MD)No.735 of 2015 filed by various affected persons, in which following observations have been made:-

55. We have already found that the appellants were not promoted to the post of District Library Officers from the post of Librarian Grade – I, but were directly recruited to the said post. Therefore, while fixing the



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seniority for the post of Librarian Grade I, in the year 2012, the names of the appellants should not have been included since, they had ceased to be the employees of the Local Library Authorities and they had already joined the new service as District Library Officers under the Education Department. This conclusion reached by us is based on the fact that the appellants were appointed as District Library Officers by direct recruitment under G.O.Ms.1234 dated 27.06.1981 and they were not promoted to the post of District Library Officers as contended by the learned Additional Advocate General appearing for the State.

56. Once it is found that the appellants appointment as District Library Officers was pursuant to direct recruitment, the appellants cannot be reverted in the rank of Librarian grade -II and grade – III since they had ceased to be the members of service of Local Library Authorities on their appointment as District Library Officers. The learned Single Judge had only poited out that as per the judgment of Hon'ble Mrs.Justice R.Banumathi (as she then was) all promotions made between 1996 and 2006 were to be reviewed and if they are reviewed and brought under the single unit system, the appellants would not have qualified for promotion as Librarian grade – I. Therefore, they will not have



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qualified for appointment as District Library Officers by direct recruitment. We are unable to agree with this conclusion of the learned Single Judge for the the following reasons,”

9. It is clear that the above issue pertains to the officers recruited to the post of District Library Officer and a direction has been given to the Government to re-issue the seniority list. Since the petitioner sought for promotion to the post of District Library Officer with notional effect, the impugned order came to be passed stating that the judgment rendered in WA.No.1755 of 2015 and WP(MD)No.735 of 2015 dated 06.09.2018 is not made applicable to the case of the petitioner. Since the petitioner sought for the relief for which he is not entitled to, the impugned order came to be passed rejecting his request. Hence, I find no merit in this writ petition and this writ petition is accordingly dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

31.07.2024

NCC: Yes/No
Index : Yes/No
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R.N.MANJULA, J.

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Order made in
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