



W.P.(MD)No.16854 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.04.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.16854 of 2023 &

W.M.P.(MD)No.14089 of 2023

R.Bhuvaneswari

... Petitioner

vs.

1.The Principal Secretary to Government,
School Education Department,
St.George Fort, Chennai - 9.

2.The Principal Secretary to Government,
Department of Human Resources Management,
St.George Fort, Chennai - 9.

3.The Chairman,
Tamilnadu Public Service Commission,
TNPSC Road, V.O.C. Nagar,
Broadway, Chennai - 3.

4.The Principal Accountant General (A&E),
361, Anna Salai,
Teynampet,
Chennai - 600 018.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Mandamus directing the first respondent to
implement the Government Orders in G.O.Ms.No.2544, Education



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Department, dated 20.11.1976 and its Rule Nos. 5, 6, 7 and 8 and as so amended by gazetted G.O.Ms.No.1234, Education Department, dated 27.06.1981 and its rules 3 and 4 stipulating requisite qualifications, training, probation etc. and further as amended by substituted Rule 3(iv) for 50 percent direct recruitment for open market and inserted Rule 3-A for Reservation policy ensuring Social Justice in gazetted G.O.Ms.No. 129, Education Department, dated 03.02.1986 for the mode of recruitment and appointment to the post of District Library Officers in the Local Library Authorities across the State of Tamil Nadu including Connemarah Public Library, Chennai as expeditiously as possible.

For Petitioner : Mr.M.Sathiamoorthy

For Respondents : Mr.T.Amjadkhan,
Government Advocate for R1 and R2
Mr.J.Anandhakumar for R3
Mr.P.Gunasekaran for R4

ORDER

Heard Mr.M.Sathiyamoorthy, learned counsel for the petitioner, Mr.T.Amjadkhan, learned Government Advocate for the respondents 1 and 2, Mr.J.Anandhakumar, learned counsel for the third respondent and Mr.P.Gunasekaran, learned counsel for the fourth respondent.

2. The petitioner who is working as a Librarian Grade III has



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filed this writ petition seeking a Writ of Mandamus directing the first respondent to implement the Government Orders in G.O.Ms.No.2544, Education Department, dated 20.11.1976 and its Rule Nos. 5, 6, 7 and 8, as amended by gazetted G.O.Ms.No.1234, Education Department, dated 27.06.1981 and its rules 3 and 4, stipulating requisite qualifications, training, probation etc. and as amended by substituted Rule 3(iv) for 50 percent direct recruitment through open market and inserted Rule 3-A for reservation policy ensuring Social Justice, gazetted G.O.Ms.No. 129, Education Department, dated 03.02.1986 for mode of recruitment and appointment to the post of District Library Officers.

3. The petitioner's grievance is that the post of District Library Officer will be recruited 50% through direct recruitment and 50% through promotion or otherwise. However, a notification has been issued on 31.01.2023 in Notification No.4/2023 calling for applications from the open market to the recruitment to the post of District Library Officer.

4. Mr.M.Sathiamoorthy, learned counsel appearing for the



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petitioner submitted that without giving any opportunity to the in-service candidates to be promoted to the post of District Library Officer, the respondents have given opportunity to the persons from the open market to be appointed as District Library Officer through direct recruitment. The learned counsel further submitted that the Rule of Reservation mentioned in the appended Notification of the Government Order in G.O.Ms.No.2544, Education Department, dated 20.11.1976 has not been properly followed by the respondents and the relevant portion of the same is extracted hereunder.

"3.Appointments: Appointment to the posts shall made as follows :-

- i) by recruitment by transfer from the post of Deputy Librarian of Connemara Public Library; or*
- ii) by direct recruitment from among Librarians Grade I in the Local Library Authorities if no qualified and suitable person is available by the method in item (i) above; or*
- iii) by recruitment by transfer from any other service, if no qualified and suitable person is available by the methods in items (i) and (ii) above; or*



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(After Amendment made in [G.O.Ms.No.1234](#), Education, dated 27.06.1981, Published in Government Gazette on 05.08.1981, come into force on 03.01.1977)

iv) by direct recruitment from the open market: provided that fifty percent of the vacancies shall be reserved to be filled up by the direct recruitment from the open market:

Provided further that notwithstanding anything contained in this rule, the services of those persons who were temporarily appointed as District Library Officer in 1976 and have or had continued to hold the post there after and passes the requisite qualification shall be regularised after obtained the concurrence of the Tamil Nadu Public Service Commission under the Tamil Nadu Public Service Commission Regulation. 1954.

(After Amendment made in [G.O.Ms.No.129](#), Education, dated 03.02.1986, Published in Government Gazette on 12.03.1986, come into force on 03.01.1977)

3-A. Reservation of Appointment:- The Rule of reservation of appointment (General rule 22 of the Tamil Nadu State and Subordinate Service Rules) shall apply to the appointment of District Library Officer by direct recruitment from among Librarian Grade-I in the Local Library Authorities and from open market."



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5. It is learnt that three candidates have been appointed to the post of District Library Officer through the direct recruitment in pursuance of the Notification No.4/2023 dated 31.01.2023,.

6. This Court is unable to understand the relief claimed by the petitioner because at one stretch, the learned counsel for the petitioner submitted that the Rule of Reservation has not been followed. At another stage he claims that the District Library Officer should be appointed by way of promotion. If the petitioner sticks to his claim that appointment should be made by way of promotion, then, he need not worry about the Rule of Reservation that has to be adopted while recruiting the candidates from the open market.

7. Firstly, the Rule of Reservation does not prescribe any reservation for in-service candidates who compete to the post through direct recruitment.

8. It is to be noted that the petitioner who is a Librarian Grade



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III does not have the qualification to be promoted to the post of District Library Officer. The promotion to the post of District Library Officer is open only to the persons who are functioning as Librarian Grade I or Inspector of Libraries and others who are found to be suitable. The petitioner who does not have any *locus standi* has filed this writ petition which is fundamentally not maintainable. However, it is for the respondents to consider Rule 3 (iv) of the appended notification of the Government Order in G.O.Ms.No.2544, Education Department, dated 20.11.1976 whenever, the post of District Library Officer is recruited.

9. With the above observations, the writ petition is **disposed of**.

No costs. Consequently, the connected Miscellaneous Petition is closed.

18.04.2024

NCC: Yes
Index : Yes
Speaking order
mbi



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To
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St.George Fort, Chennai - 9.
- 2.The Principal Secretary to Government,
Department of Human Resources Management,
St.George Fort, Chennai - 9.



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R.N.MANJULA, J.

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