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1

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.04.2025

CORAM

THE HON'BLE Mr. JUSTICE C.V.KARTHIKEYAN

W.P.No.5817 of 2025
and W.M.P.No.6403 of 2025

A.Jothi Ramalingam

.. Petitioner

Vs.

1.The Government of Tamil Nadu,
Rep. by its Secretary to Government,
School Education Department,
Secretariat, Chennai – 600 009.

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

3.The District Library Officer,
Vellore.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the entire records which culminated in issuing in Na.Ka.No.5016/A/2023 dated 28.02.2024 on the appropriate file of the 3rd respondent and to quash the same in so far as the prospective promotion is concerned and consequently, directing the respondents to give notional promotion as Grade-III Librarian to the petitioner on par with juniors with effect from 27.11.2006 in the light of the G.O.(Ms).No.243 School Education (K1) Department dated 27.11.2006.

For Petitioner

.. Mr.S.Mani



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For Respondents .. Ms.Mythreye Chandru, SGP

ORDER

This Writ Petition has been filed in the nature of a Certiorarified Mandamus seeking records relating to an order of the 3rd respondent dated 28.02.2024 and to quash the same and to grant notional promotion as Grade-III Librarian to the petitioner on par with his juniors with effect from 27.11.2006 consequent to G.O.Ms.No.243, School Education (K1) Department dated 27.11.2006.

2.In the affidavit filed in support of the writ petition, it had been stated that the petitioner was employed in the School Education Department as Grade-III Librarian with effect from 28.02.2024. Prior to regularization the petitioner was engaged as part-time Village Librarian on and from 28.06.1996. He was brought into regular time scale appointment as Village Librarian on 30.11.2005 notionally with effect from 01.12.2005. But however, the promotion was granted as Grade-III Librarian only on 28.02.2024. The Junior of the petitioner was given promotion on 27.11.2006. The petitioner claims parity with the junior. This has been rejected by the impugned proceedings.



3.The particulars of the petitioner and the junior is given in the following tabular

column:

Sl. No	Name of the petitioner	Date of appointment as a part time village librarian	Date of juniors appointment as a part time village librarian (Juniors)	Date of approved and regularized as village librarian (petitioner)	Date of juniors appointment as a full time village librarian (Juniors)	Date of promotion as grade III Librarian	Date of juniors promotion as Grate III librarian
1	A.Jothi Ramalingam	28.06.1996	1.7.1997 onwards	30.11.2021 with effect from 1.12.2005	26.12.2005 onwards	28.02.2024	27.11.2006

4.It is thus seen that the petitioner had been appointed initially on 28.06.1996, while his junior was appointed on 01.07.1997. The petitioner was regularized as Village Librarian on 30.11.2021, while the junior was appointed as full time Village Librarian on 26.12.2005. The petitioner was promoted to the post of Grade-III Librarian on 28.02.2024, while the petitioner was promoted on 27.11.2006.

5.It is trite in law to point out that there should be parity between two persons and particularly, a senior cannot be granted promotion much later than the junior and there must also be pay parity. In this connection, reference could also be made to G.O.Ms.No.243, School Education (K1) Department dated 27.11.2006.



6. Taking all factors into consideration, I hold that the impugned order has to be set aside and a direction is given to the respondents to give notional promotion to the petitioner as Grade-III Librarian on par with his juniors with effect from 27.11.2006 in the light of G.O.Ms.No.243, School Education (K1) Department dated 27.11.2006. Necessary orders in this regard must be passed within a period of six weeks from the date of receipt of a copy of this order. Accordingly, this Writ Petition stands disposed of. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

15.04.2025

Index: Yes/No
Internet: Yes/No
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To
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1.The Director of Municipal Administration,
75, Urban Administrative Building,
Santhome High Road,
MRC Nagar, Raja Annamalaipuram,
Chennai – 600 028.

2.The Commissioner,
Tiruvannamalai Municipality,
Tiruvannamalai.

3.The Assistant Director,
Local Fund Audit,
O/c. Local Fund Audit, Complex
4th Floor, Nandanam,
Chennai – 600 003.

4.The Thasildar,
Tiruvannamalai.

C.V.KARTHIKEYAN,J.



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6



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W.P.No.5817 of 2025

15.04.2025