



W.P.No.11406 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 26.02.2025

Coram:

THE HONOURABLE Mrs.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.11406 of 2023 &
W.M.P.No.11310, 11312 and 11313 of 2023

1. S.Sangeetha
Librarian
District Institute of Education & Training (DIET)
Ranipet District
2. K.Satchidanandam
Librarian
District Institute of Education & Training (DIET)
Uthamacholapuram,
Salem District
3. J.Kannan
Librarian
District Institute of Education & Training (DIET)
T.Kallupatti, Madurai District
4. S.Akilandeswari
Librarian
District Institute of Education & Training (DIET)
Chenna District
5. S.Kaladevi
Librarian
District Institute of Education & Training (DIET)
Kaliyampoondi, Kancheepuram District



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6. K.Priyatharshini

Librarian

District Institute of Education & Training (DIET)
Krishnagiri District

7. G.Parameswari

Librarian

District Institute of Education & Training (DIET)
Kilpennathur,
Thiruvannamalai District

8. P.Malini

Librarian

District Institute of Education & Training (DIET)
Aduthurai, Thanjavur District

9. M.Chandragandhi

Librarian

District Institute of Education & Training (DIET)
Kothagiri, Nilgiris District

10. R.Ramakrishnan

Librarian

District Institute of Education & Training (DIET)
Uthamapalayam, Theni District

11. B.Santhi

Librarian

District Institute of Education & Training (DIET)
Mannargudi, Thiruvarur District

12. K.Babu

Librarian

District Institute of Education & Training (DIET)
G.Ariyur, Villupuram District



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13. P.Karthigai Selvam

Librarian

District Institute of Education & Training (DIET)
Palayampatti, Virudhunagar District

14. L.Maria Sujitha

Librarian

District Institute of Education & Training (DIET)
Theroor, Kanniyakumari District

...Petitioners

Vs.

1. The State of Tamilnadu

rep. By its Principal Secretary to Government,
School Education Department,
Secretariat, Fort St.George,
Chennai – 600 009

2. The State of Tamilnadu

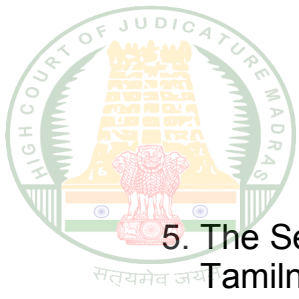
rep. By its Principal Secretary to Government,
Finance Department,
Secretariat, Fort St.George,
Chennai – 600 009

3. The Commissioner,

Directorate of School Education,
DPI Campus, College Road,
Chennai – 600 006

4. The Director,

State Council of Educational Research and
Training (SCERT)
DPI Campus, College Road,
Chennai – 600 006



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5. The Secretary

Tamilnadu Public Service Commission,
TNPSC Road, VOC Nagar, Park Town,
Chennai – 600 003

[R5 – Impleaded as per order dated 10.02.2025
in WMP No.5233/2025 in W.P.No.11406
of 2023 by VBSJ]

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned order issued by the 4th respondent in Na.Ka.No.403/A1/2022 dated 14.10.2022 and to quash the same and consequently direct the respondents to rectify the pay anomaly for the post of Librarian in State Council of Educational Research and Training / Education Department with revision of scale of pay in Pay Band-II with Rs.9300-34800-4500 GP on par with librarian working in other departments in the State in rectification of pay anomaly with all consequential and other attendant benefits.

For Petitioners : Mr.S.Nedunchezhiyan

For Respondents : Mr.R.Bharanidharan
Standing counsel – TNPSC for R5
Mr.S.Prabhakaran
for R1 to R4

ORDER

This Writ Petition has been filed for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned order issued by the 4th respondent in Na.Ka.No.403/A1/2022 dated 14.10.2022 and to quash the same



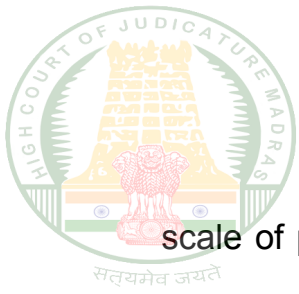
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and consequently direct the respondents to rectify the pay anomaly for the post of Librarian in State Council of Educational Research and Training / Education Department with revision of scale of pay in Pay Band-II with Rs.9300-34800-4500 GP on par with librarian working in other departments in the State in rectification of pay anomaly with all consequential and other attendant benefits.

2. The brief facts of the case, as averred by the petitioners are as follows:-

(i) All the petitioners herein are qualified with Bachelor Degree as well as Bachelor of Library and Information Sciences (BLIS) or Diploma in Library and Information Sciences (DLIS) and participated in the selection for direct recruitment to the post of Librarian, as notified by TNPSC dated 23.05.2012. The petitioners were selected and appointed to the post of Librarian in the DIET coming under SCERT in the year 2016 and fixed with salary in PB1 Rs.5200-20200+GP2400.

(ii) Further, in all the departments, the post of librarian subsequently re-designated as Librarian Grade I with degree qualification apart from degree / diploma in Library and Information Sciences and sanctioned with scale of pay in PB2 viz., 9300+34800+4500GP. When the post of Librarian coming under SCERT assigned with the same duties and responsibilities has been fixed with

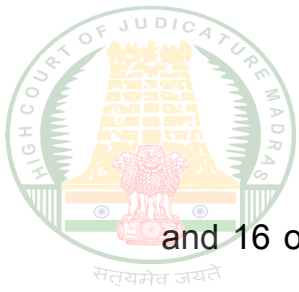


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scale of pay in PB1 as Rs.5200-20200+2400 GP in VI Pay Commission. Hence the petitioners have submitted their representation seeking to revise the scale of pay on par with librarian in other departments appointed with the same qualification, as it remains to be pay anomaly. Since the petitioners claim has not been considered, they have filed W.P.No.27935 of 2021 and this Court by an order dated 20.07.2022 directed the respondents to consider the petitioners' representation dated 20.09.2021.

(iii) Subsequently, the claim of the petitioners were considered and rejected by the 4th respondent vide proceedings dated 14.10.2022 indicating that the petitioners are appointed to the post of Librarian with scale of pay of Rs.5200-20200+2400 GP only, as per the notification issued by TNPSC with prescription of scale of pay and further the G.O.Ms.No.308 dated 26.08.2010 and G.O.Ms.No.323 dated 26.08.2010 were issued for other departments and the same cannot be applied to SCERT. As against the proceedings dated 14.10.2022 and seeking the revised pay band, this petition is filed.

3. The learned counsel for the petitioner would submit that it is settled law, as per the ratio laid down by the Hon'ble Supreme Court as well as this Court that the same post carrying same qualification in Government service cannot be discriminated in the matter of fixation of pay, which is in violation of Article 14



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and 16 of Constitution of India. In the event of any such discrepancy, the same should be rectified by State Government. Only on that basis, every revision scale of pay as per One Man Commission recommendation, the anomalies in the fixation of pay being rectified by the State Government with separate government orders. While so, the claim of the petitioners for fixation of pay in the post of Librarian carrying degree qualification in SCERT/Education Department ought to have been considered by the State Government, hence this petition.

4. Per contra, a detailed counter affidavit has been filed on the side of the respondents, wherein it is averred as follows:-

(i) The petitioners have, already filed a Writ Petition No.27935 of 2021 to fix the pay scale of the petitioners as 9300-34800+4500 instead of 5200-20200-2400 in the light of the G.O.Ms.No. 308, Finance (Pay Cell) Department dated 26.08.2010 and G.O.Ms.No. 323, Finance (Pay Cell) Department dated 26.08.2010 by considering the common representation of the petitioners dated 20.09.2021. This Court has passed the Order on 20.07.2022 and the relevant portion at Paragraph No.5 is extracted below:

“5.Considering the limited scope of prayer sought for by the petitioners, this Court, without expressing anything on merits, directs the third respondent to consider the petitioners representation dated



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20.09.2021 and pass order on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order”

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(ii) In pursuance to the Order of this Court, the 4th Respondent has perused all the relevant records, Government Orders, recruitment details and the orders of the Court and rejected the request of the petitioners vide Na.Ka.No 403-A1-2022, dated 14.10.2022 by the 4th Respondent, since this Court has specifically ordered the 3rd respondent to consider the representation dated 20.09.2022 and pass orders on merits, the petitioners have come up with the present Writ Petition. The petitioners were appointed as Librarian in the District Institutes of Education and Training under the Control of 4th Respondent through the Tamil Nadu Public Service Commission in the scale of pay of Rs. 5200-20200+ Grade Pay Rs.2400/-

(iii) Further to the selection of the petitioners for the post of Librarian by the Tamil Nadu Public Service Commission, appointment orders were issued to the petitioners by the 4th Respondent Vide. Na. Ka No.6429/A1/2016, dated 22.11.2016. Further, in the appointment order itself, the Scale of pay of the post of Librarian has been specified as Rs. 5200-20200+ 2400 Grade pay (Pay Band1). The petitioners having accepted the appointment and joined in the post

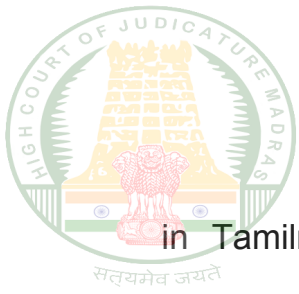


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of Librarian in the District Institute of Education and Training cannot now turn back and allege that there is a discrepancy in the scale of pay of the petitioner and cannot quote other person recruited by the Tamil Nadu Public Service Commission and working in other departments. The petitioners have relied upon a Government Order issued vide G.O.Ms.No. 308, Finance (Pay Cell) Department, dated. 26.8.2010 for the Post of Librarian (Re-designated as Librarian Grade-I) in the Police Department, which is not applicable to the petitioners, thereby pleaded to dismiss the petition.

5. Heard the learned counsel on either side and perused the documents placed on record.

6. Admittedly, the petitioners were appointed as Librarian in the District Institutes of Education and Training under the control of the 4th respondent through the Tamilnadu Public Service Commission in the scale of pay of Rs.5200-20200 + Grade Pay Rs.2400/- The proposal have been placed before the Tamil Nadu Public Service Commission to fill up the posts of Librarian by the 4th Respondent. The Tamil Nadu Public Service Commission has called for applications from the eligible candidates for the post of Librarian Grade I in Economics & Statistics Department and Industries and Commerce Department



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in Tamilnadu General Subordinate Service carrying scale of pay Rs.9300-Rs.34800 + GP 4600/- (PB2) and Librarian in the office of the Director, State Council for Educational Research and Training, Chennai, Tamilnadu Ministerial Service, Tamilnadu Nadu Husbandry Subordinate Service carrying scale of pay Rs.5200+20200+GP2400 & Rs.2500-20200 +GP2000/- (PB1) through Notification No.23/2012 dated 25.06.2012, wherein it is stated that "The eligibility criteria/ required qualification is that the candidate should have possessed any degree and a Degree in Library Science or Diploma in Library Science.". It is specifically stated in the notification in Para 5. Note(i), that *"candidates are given the option of appearing in any one or more of the three examinations mentioned in Para- 2D (i.e. degree standard for the post mentioned in Sl.No. 1,2 &3) in accordance with their qualification and will be admitted to the examination / examinations based on their qualification and option exercised by them in the application"*.

7. It is to be noted that the petitioners having full knowledge of the scale of pay fixed for each post have applied for the posts notified by the Tamilnadu Public Service Commission and their selection as Librarian in the office of the Director, State Council for Educational Research and Training. Further, in the appointment order itself, the Scale of pay of the post of Librarian has been



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specified as Rs. 5200-20200+ 2400 Grade pay (Pay Band1). The petitioners having accepted the appointment and joined in the post of Librarian in the District Institute of Education and Training, cannot now turn back and allege that there is discrepancy in the scale of pay of the petitioners and cannot quote other person recruited by the Tamil Nadu Public Service Commission and working in other departments.

8. At this juncture, it is relevant to note that the post of Librarian in the Police Department originally carried the scale of pay of Rs.5200-20200+GP 2400 and when it has been upgraded as Librarian Grade-1, the scale of pay has been revised as Rs. 9300-34800+ GP 4500, hence question of upgrading and re-designating the post of Librarian as Librarian Grade 1 to the post of Librarian in the District Institutes of Education and Training, does not arise.

9. That apart, the petitioners have relied upon the Government Order in G.O.Ms.No. 323, Finance (Pay Cell) Department dated 26.08.2010. The said Government Order is issued to the Librarian working in the State Planning Commission and the grade pay has been revised from 9300-34800+4500 Grade Pay to 9300-34800+4600 Grade pay based on the recommendation of the One Man Commission. In fact, the petitioners had not been selected to the posts of



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Librarian that carried a higher scale of pay. The petitioners would not have got selected for appointment but for the 24 vacancies of Librarian notified for State Council of Educational Research and Training, they were selected.

10. Considering the above said facts and circumstances of the case and taking note of the fact that the petitioners on being selected for appointment as Librarians with State Council of Educational Research and Training had the option to refuse to join and that the petitioners fully aware of the fact that the post of Librarian with State Council of Educational Research and Training carried lesser pay and accepted the appointment, cannot now canvass his case after a period of 9 years and hence the Writ Petition is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. Consequently, connected miscellaneous petitions are closed. No costs.

26.02.2025

Index : Yes / No;
Internet : Yes / No
Speaking Order / Non Speaking Order
ssd



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To

1. The State of Tamilnadu
rep. By its Principal Secretary to Government,
School Education Department,
Secretariat, Fort St.George,
Chennai – 600 009
2. The State of Tamilnadu
rep. By its Principal Secretary to Government,
Finance Department,
Secretariat, Fort St.George,
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3. The Commissioner,
Directorate of School Education,
DPI Campus, College Road,
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4. The Director,
State Council of Educational Research and
Training (SCERT)
DPI Campus, College Road,
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5. The Secretary
Tamilnadu Public Service Commission,
TNPSC Road, VOC Nagar, Park Town,
Chennai – 600 003



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V.BHAVANI SUBBAROYAN, J.

ssd

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