



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 21.01.2026

PRONOUNCED ON : 29.01.2026

CORAM:

THE HONOURABLE **DR.JUSTICE G. JAYACHANDRAN**
AND
THE HONOURABLE **MR.JUSTICE K.K. RAMAKRISHNAN**

W.P.(MD)No.1281 of 2026
and
W.M.P.(MD)Nos.1015 and 1017 of 2026

V.Umamahesh

... Petitioner

Vs.

1.The Secretary to his Excellency Governor of
Tamilnadu, Lok Bhavan,
Guindy, Chennai-600 022.

2.The State of Tamilnadu,
Rep.by its Secretary to Government,
School Education Department,
Fort St.George,
Chennai-600 009.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned G.O.Ms.No.288, School Education (PL1) Department, dated 09.12.2025, issued by the second respondent and



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published in the Tamilnadu Government Gazette on 16.12.2025 and quash the same as unconstitutional ultra vires, arbitrary, and illegal, and consequently direct the second respondent to fill up the existing vacancy of the post of District Library Officer strictly in accordance with the existing statutory rules governing the field and based on the petitioner representation dated 23.12.2025.

For Petitioner : Mr.V.Meenakshi Sundaram
for Mr.N.Marimuthu
For Respondents : Mr.J.Ashok (R1 & R2)
Additional Government Pleader

ORDER

(Order of the Court was made by **DR.G.JAYACHANDRAN, J.**)

The Tamilnadu (Madras) Public Libraries Act, 1948 (hereinafter referred to as 'Act') was enacted to provide for establishment of public libraries in the State and the organization of a comprehensive rural and urban library service. Under this Act, for the purpose of organising and administering public libraries in the State, Local Library Authorities one for the city of Madras and one for each district was constituted. The Government in exercise of its power under Sections 5(2)



(c) and 5 (3) (e) of the said Act, specified the District Education Officer to be the Secretary of the Local Library Authority of the concerned districts, through a notification dated 28.02.1950.

2.In the year 1974, the Government felt that District Education Officers, who are vested with several other responsibilities, are not able to devote their full time to attend the library work. Therefore, G.O.(Ms) No: 1218, Education Department, dated 16.07.1974 for creation of Posts of District Library Officer, who will be a full time library officer and able to give their best to the growing needs of the expanding library system, was issued and 13 posts of the District Library Officer was created. Consequential amendment to the Tamilnadu Public Library Rules by way of Adhoc Rules relating to temporary posts of District Library Officers was brought in. G.O.Ms No: 2544 dated 20.11.1976 was issued and notified in the Gazattee dated 22.12.1976. As per the said Adhoc Rules, the method of appointment and the required qualification for the post of District Library Officer was as below:-

Method of appointment	Qualifications
i)By recruitments by transfer;and	(1)A degree in Arts or Science



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ii)By transfer	(2)A degree or diploma in Library Science; and
	(3)Experience for a period of not less than five years as Librarian in Government Services
(iii)By direct recruitments-	(1)A degree in Arts or Science:
(a)from the District Central Libraries of Local Library Authorities	(2)A degree or diploma in Library Science; and (3)Experience for a period of not less than five years as District Central Librarian in Local Library Authorities
(b)from the open marked	(1)A Master's degree in Library Science; (2)A Master's degree in Library Science; and (3)Experience for a period of not less than three years in any of the libraries in a supervisory cadre.

3.In exercise of powers conferred under Article 309 of the Constitution of India, through G.O.Ms No: 1234, dated 27.06.1981, the Education Department brought out amendment to the Adhoc Rules wherein, the appointments to the post of District Library Officer was to be made as follows:-

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



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- 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*

(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,



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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 ppointment (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.”

4.Under Rule 4, the necessary age and educational qualifications for the direct recruits and feeder categories were prescribed.

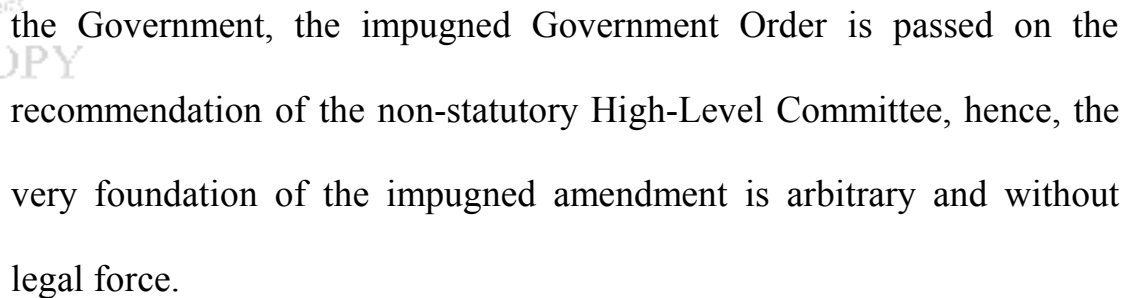
5.The crux of the dispute in this writ petition filed by Thiru. V.Uma Mahesh, who is presently working as a Village Librarian in Karur District in the special time scale of pay is that, the 50% quota for direct recruits, by way of the impugned G.O.Ms 288, School Education (PL1) Department, dated 19.12.2025, is reduced to 25% and also it permits appointments through deputation. According to the writ petitioner, these amendments to the rule of recruitment will prejudice the interest of the eligible candidates from direct recruitment and from the feeder



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categories, who have a legitimate expectation for promotion at District Library Officer. His further apprehension is that, the Government through this Government Order is trying to give retrospective effect to the Government Order and thereby, regularise the persons presently holding the post of District Library Officer temporarily.

6.The learned Counsel for the writ petitioner submitted that the intention of the Government is designed to legitimise the adhoc promotion already made illegally and in violation of Articles 14 and 16 of the Constitution of India. The superintendent cadre is the immediate feeder category to the post of District Library Officer. Whiles, by including lower pay scale posts also in the feeder category, the pay-scale hierarchy is violated. By permitting Information Officers from Anna Centenary Library and Kalignar Centenary Library on deputation, the object of structured promotional hierarchy is disturbed. The impugned amendment is issued by the Secretary to Government / second respondent without authority or approval or direction of the Secretary to the Governor/first respondent. When the statute namely Tamilnadu Public Libraries Act, 1948, provides for a statutory Committee to advise



8.The Education Department has passed the impugned G.O.Ms.No.288, dated 09.12.2025 in exercise of power conferred under Article 309 of the Constitution of India. It is issued by the order of the Governor. Article 309 of the Constitution of India empowers the Parliament and State Legislatures to make laws regulating the recruitment and conditions of service for the public servants, while the proviso allows the President or Governors to make temporary rules until legislation is enacted, ensuring orderly administration. Governors act in aid and advice of the council of Ministers and any Government Order issued "by order of the Governor", it represents the formal, executive decisions of a State Governments, where the Governor acts as the



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constitutional head of the State. Therefore, we hold that the impugned Government Order does not suffer from legislative incompetency.

9.The impugned Government Order, G.O.Ms.No.288 dated 09.12.2025, reads as below:-

NOTIFICATION

In exercise of the powers conferred by the proviso to Article 309 of the amendments to the rules published with the Education Department. Notification SRO Constitution of India, the Governor of Tamil Nadu hereby makes the following /No.B-725/76, at pages 831 and 832 of Part III Section 1(b) of the Tamil Nadu Government Gazette, dated the 22nd of December 1976 as subsequently amended.

(i)The amendment 2(i) hereby made shall be deemed to have come into force with effect from 31.01.2023.

(ii)The amendment 2(ii) hereby made shall come into force with effect from the date of publication of this notification in the Tamil Nadu Government Gazette

(iii)The amendment 3 hereby made shall be deemed to have come into force with effect on and from the 15th September 2016.

AMENDMENTS.

In the said Notification.-



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(1) in the preamble, the following proviso shall be inserted, namely:-

"Provided that with effect on and from the 15th September 2016, the provisions contained in the Tamil Nadu Government Servants (Conditions of Service) Act, 2016 (Tamil Nadu Act 14 of 2016) shall apply to the holder of the post.";

(2) for rule 3, the following rule shall be substituted, namely:-

"3. Appointment. *Appointment to the post shall be made as follows:-*

- (i) by direct recruitment through Tamil Nadu Public Service Commission from the open market against twenty five percent (25%) of the substantive vacancies in the permanent cadre; and*
- (ii) (a) by recruitment by transfer from among the holders of the post of Librarian Grade-I or Inspector of Libraries in the Public Libraries Department; or*
(b) Appointment by deputation on tenure basis from among the holders of the post of Librarian and Information Officer in Anna Centenary Library and Kalaignar Centenary Library.:

Provided that the maximum tenure of the Librarian and Information Officer appointed as District Library Officer by appointment by deputation is 3 years. After that they shall be transferred to Anna Centenary Library and Kalaignar



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Centenary Library and also the seniority of the said Officer shall be maintained in the respective unit."

(3) for rule 3-A, the following rule shall be substituted, namely;-

3-A. Reservation of appointment. The provisions contained in section 27 of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016 (TN Act 14 of 2016) shall apply to the appointment of District Library Officers by direct recruitment."

(4) in rule 4, in sub-rule (b), for the TABLE, the following TABLE shall be substituted, namely;-

"THE TABLE

<i>Method of appointment (1)</i>	<i>Qualifications (2)</i>
<i>(i) by direct recruitment</i>	<i>(a) A Master's degree in Library Science or Library and Information Science of a University recognized by the University Grants Commission, in the pattern of 10+2 or its equivalent +3+1+1 or 10+2 or its equivalent +3+2; and (b) any Master's degree of a University by recognized by the University Grants Commission.</i>



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<i>(ii)(a) by recruitment by transfer from the post of Librarian Grade-I or Inspector of Libraries in the Public Libraries Department.</i>	<i>(a) Any Bachelor's Degree of a University recognized by the University Grants Commission in the pattern of 10+2 or its equivalent +3; and</i> <i>(b) A Bachelor's degree in Library Science or Library and Information Science of a University recognized by the University Grants Commission, and</i> <i>(c) Must have served as Librarian Grade-I or Inspector of Libraries for a period of not less than five years.</i>
<i>(b) Appointment by deputation on tenure basis from among the holders of the post of Librarian and Information Officer in Anna Centenary Library and Kalaignar Centenary Library.</i>	<i>Must have served as Librarian and Information officer in the Anna Centenary Library or in the Kalaignar Centenary Library for a period of not less than three years.</i>

(5) for rule 5, the following rule shall be substituted, namely:-

"5. Probation.- (i) Every person appointed to the post by direct recruitment shall, from the date on which he joins duty, be on probation for a total period of two years on duty within a continuous period of three years.

(ii) Every person appointed to the post by recruitment by transfer shall, from the date on which he joins duty, be on



probation for a total period of one year on duty within a continuous period of two years."

10.The above rule of recruitment as envisaged in G.O.Ms.No. 288, dated 09.12.2025 had fixed 25% quota to be filled by direct recruitment. Prior to 1981, there was no specific quota for direct recruits. Only in the year 1981, the Government thought it fit to fix quota for direct recruits and gave 50%. It is the policy decision of the Government to reduce the quota for direct recruits from 50% to 25%. The said decision is not arbitrarily fixed.

10.Para 4 and 5 of the impugned Government Order discloses that the Government has taken this decision based on the proposal of the Director of Public Libraries and the recommendation of the High Level Committee to bring out the amendment in the recruitment rules. We find no infraction of fundamental rights or Constitution in fixing or modifying the quota for direct recruits.



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11.It is reported by the Learned Additional Government Pleader representing the State that, as on date 32 posts of District Library Officers are vacant as against the sanctioned strength of 38. To get suitable persons from all available sources either through direct or deputation or from in-house candidates, the recruitment Rules has been amended. Presently, the post of District Library Officers are mostly held on temporary basis, as in-charge and the Government is going to notify Recruitment for the post of District Library Officer and the process for recruitment is likely to be commenced soon.

12.We find that the challenge to G.O.Ms.No.288, dated 09.12.2025 is baseless and without valid reasons. No material is available to infer that by amending the recruitment Rules, retrospective effect to temporary /ad hoc postings is likely to be regularized. Contrarily, the Additional Government Pleader, on instructions, had submitted that for 32 vacancies of the posts of District Library Officers, recruitment notification is likely to be issued soon.



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13.In view of the above facts and the submission of the learned

Additional Government Pleader, the writ petition stands dismissed.

Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

[G.J., J.] & [K.K.R.K., J.]
29.01.2026

Index :Yes/No

Internet :Yes

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To

1.The Secretary to his Excellency Governor of
Tamilnadu, Lok Bhavan,
Guindy, Chennai-600 022.

2.The State of Tamilnadu,
Rep.by its Secretary to Government,
School Education Department,
Fort St.George, Chennai-600 009.



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DR.G. JAYACHANDRAN, J.
AND
K.K. RAMAKRISHNAN, J.

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