

(2017) 04 MAD CK 0072

In the Madras High Court

Case No : 27529 of 2012 and M P No 2 of 2012

M.Rajesh Kumar

APPELLANT

Vs

The State of Tamil Nadu

RESPONDENT

Date of Decision : 25-04-2017

Acts Referred:

Constitution of India, Article 309 -
Recruitment and conditions of service of persons serving the Union or a State

Citation : (2017) 04 MAD CK 0072

Hon'ble Judges : M.Sathyanarayanan

Bench : SINGLE BENCH

Advocate : M.Sathyanarayanan

Judgement

Name of the Post,Methods of Appointment,Qualifications

Class 1: 1.

Inspector of

Libraries",i. By Promotion ii. By Transfer,"A Degree of any University recognized by the University Grants Commission; and A

Degree in Library and Information Science of any University recognized by the University

Grants Commission.

2. Librarian Grade

I",i. By Transfer ii. By Promotion,"A Degree of any University recognized by the University Grants Commission; and A

Degree in Library and Information Science of any University recognized by the University

Grants Commission

3 Librarian Grade

II", i. By Transfer ii. By Promotion, "A pass in SSLC or Matriculation or its equivalent and a Certificate in Library and

Information Science or its equivalent approved by the State Government

4. Stock

Verification Officer", i. By promotion, "A pass in SSLC or Matriculation or its equivalent and a Certificate in Library and

Information Science or its equivalent approved by the State Government

5. (a) Librarian

Grade III (Trained)

(b) Librarian

Grade III

(Untrained)", i. By promotion ii. By

recruitment by transfer from

any other service iii. By Direct

Recruitment i. By promotion", i. A pass in SSLC or Matriculation or its equivalent; and ii. A pass CLIS or its equivalent

approved by the State Government A pass in SSLC or Matriculation or its equivalent; or

Without Minimum General Educational Qualification with 15 years of service in the post of

Record Clerk in Public Libraries Department.

, "ii. By recruitment by transfer

from any other service iii. By

direct recruitment.", "A pass in SSLC or Matriculation or its equivalent A pass in SSLC in Matriculation or its

equivalent

4. The Writ Petition was entertained on 09.10.2012 and an order of interim stay was granted for a period of four weeks and it has been,,

subsequently made absolute and the private respondents/non-graduate Librarians Grade-II subsequently got impleaded, vide order dated",,,

27.06.2014 in M.P.No.1 of 2014 and M.P.No.1 of 2013 was filed for vacating the interim order and it was dismissed on 11.01.2017.,,,

5. The learned counsel appearing for the petitioner would further submit that the post of Librarian Grade-I carries onerous tasks and,,

responsibilities and dilution of the prescribed essential qualification from graduation to non-graduation and relaxation in the form of prescription of 3,,

years of service in the post of Librarian Grade-II for promotion to the post of Librarian Grade-I is per se unsustainable and it amount to,,

reasonable classification and nothing sought to be achieved in terms of intelligible criteria and prays for interference.,,

6. Per contra, Mr.K.Dhananjayan, learned Special Government Pleader appearing for the respondents 1 and 2 has invited the attention of this",,,

Court to the counter affidavit as well as typed set of documents and would submit that prescription of age limit of 55 years to non-graduates for,,

promotion to the post of Librarian Grade-II, there may not be any grave hardship to the petitioner and they hardly get promotion and whereas the",,,

non-graduates can reach the higher level posts and taking into consideration their work experience, a fair decision has been taken and would",,,

further aver that most of them reached the age of 50 years and above and as such, the petitioner may not be really aggrieved and prays for",,,

dismissal of the writ petition.,,

7. Mr.M.Purushothaman, learned counsel appearing for the private respondents has invited the attention of this Court to the counter affidavit filed",,,

by them as well as the judgment in Roop Chand Adlakha and Others v. Delhi Development Authority and Others [1989 Supp (1) SCC 116] and,,

would submit that the impugned Government order amending the relevant service rules amounts to formulating policy decisions which prescribes,,

conditions for fixation of eligibility in respect of non-graduates who are holding the post of Librarian Grade-II to reach the leave of Librarian Grade,,

-I and in the absence of any discrimination, it cannot be termed as bad and would further submit that most of them are going to retire soon and",,,

whereas the petitioners who are graduates, may reach the higher level upto the level of Director of Public Libraries and prays for dismissal of this",,,

writ petition.,,

8. In reply to the said submission, the learned counsel appearing for the private respondents and the learned Special Government Pleader",,,

appearing for the official respondents has invited the attention of this Court to

the proceedings of the District Library Officer, Chennai-600002 in",,,
Na.Ka.No.774/A/2017 dated 08.02.2017, containing the draft seniority list for the post of Stock Verification Officer/Librarian Grade II as on",,,
01.01.2017 and would submit that the said draft tentative list has been prepared taking into consideration the date of joining to the post of,,
Librarian Grade II and the petitioner is placed at Sl.No.71 and since the interest of non-graduates have been taken into consideration by the,,
Directorate of Public Libraries by preparing the draft seniority list, the writ petitioner as well as the private respondents may not have any grievance",,,
and they may be permitted to finalize the draft seniority list and thereafter to consider the claim of nongraduates for the post of Librarian Grade-I if,,
they being otherwise eligible and prays for appropriate orders.,,,
9. This Court has considered the rival submissions and also perused the entire materials placed before it.,,
10. The learned counsel appearing for the petitioner as well as the learned counsel appearing for the private respondents, on instructions, would",,,
submit that if the draft seniority list prepared by the Directorate of Public Libraries, Chennai-600002 is finalized as it is, they may not have any",,,
grievance.,,,
11. It is a well settled position of law that draft seniority list should be put on notice and objections has to be invited and it should be finalized and,,
thereafter, promotions be given to the concerned employees, subject to they being otherwise eligible.",,,
12. In the result, this Writ Petition is disposed of and the second respondent is directed to invite objections in respect of the draft seniority list",,,
prepared by them for the post of Stock Verification Officer/Librarian Grade- II as on 01.01.2017, as per the proceedings in",,,
Na.Ka.No.774/A/2017 dated 08.02.2017, within a period of two weeks from the date of receipt of a copy of this order and after receipt of",,,
objections, they shall finalize the seniority list within a period of one week thereafter and publish the same and thereafter, may give promotion from",,,
the final seniority list to the post of Librarian Grade-II in respect of employees otherwise being found eligible. The entire exercise should be,,
completed on or before 09.06.2017. No costs. Consequently, connected miscellaneous petition is closed.",,,