
(2017) 01 MAD CK 0017

In the Madras High Court

Case No : 12550 of 2012 and M P (MD) No 1 of 2012

S.Manonmony Technical Assistant, Dr.T.P.M.Library, Madurai
Kamaraj University

APPELLANT

Vs

The Vice Chancellor, Madurai Kamaraj University, & Anr.

RESPONDENT

Date of Decision : 18-01-2017

Acts Referred:

[Madurai Kamaraj University Act, 1965](#), Section 20, Section 12(5),
Section 20(7)

Citation : (2017) 01 MAD CK 0017

Hon'ble Judges : M.V.Muralidaran

Bench : SINGLE BENCH

Advocate : M.V.Muralidaran

Final Decision : Allowed

Judgement

1. The petitioner has filed the present writ petition praying for a direction to the respondents to promote the petitioner as "Assistant Librarian" at

Dr.T.P.M.Library of Madurai Kamaraj University, Madurai, as per the resolution/ order passed by the Syndicate of Madurai Kamaraj University

in its meeting held on 03.02.2011.

2. The case of the Petitioner is that she joined Madurai Kamaraj University as a Stack Room Assistant in Dr.T.P.M.Library on 19.09.1991 vide

order dated 18.09.1991 issued by the Second Respondent, the Registrar of Madurai Kamaraj University. At the time of appointment, she had

qualified B.Sc., B.L.I.Sc., after that she qualified M.A., in the year 1993, M.L.I.S., in the year 1995, M.Phil, in the year 2004 and on 27.12.2011,

she obtained Ph.d in Library and information science and since there was no promotion, she was giving representations for the post of Assistant

Librarian from 1999 to 2008. Further, in response to her representations, the library committee of syndicate of Madurai Kamaraj University

passed resolution on 02.09.2008 requesting the Syndicate to fill-up six Assistant Librarian posts immediately in view of existing shortage of staffs in

the Library and among the six posts of Assistant Librarian, two posts may be filled up from the existing two Stack Room Assistants, as they have

put up nearly 18 years of service in the Dr.T.P.M.Library and have necessary qualification for the post of Assistant Librarian and the Executive

Body, Syndicate of the Madurai Kamaraj University also approved the above resolution on 28.09.2008. But, she was promoted only as Technical

Assistant (Library) instead of Assistant Librarian by Memorandum dated 19.06.2009 issued by the second respondent/Registrar of Madurai

Kamaraj University.

3. Further, since she was not promoted as Assistant Librarian, again she made representations to the respondents requesting them to promote her

as Assistant Librarian and with reference to her representations dated 08.01.2010 and 28.01.2011, the Syndicate of Madurai Kamaraj University

passed resolution (item No.56 of draft minutes dated 03.02.2011) to promote her as Assistant Librarian from the date of Award of Ph.D., in

Library Science in its meeting held on 03.02.2011. She was awarded Ph.D., on 27.12.2011 by the second respondent/Registrar of Madurai

Kamaraj University and after award of Ph.D., she made representations to the respondents requesting them to promote her as Assistant Librarian.

Since no action was taken upon the resolution passed by the Syndicate of the Madurai Kamaraj University so far, the Petitioner has come up with

this present Writ Petition seeking the relief as stated supra.

4. Heard Mr.Y.Krishnan, learned counsel appearing for the petitioner and Mr.G.Muthugeethian, learned counsel for the respondents and perused

the materials placed before this Court.

5. The Learned Counsel appearing for the petitioner submitted that as per section 12(5) of the Madurai Kamaraj University Act 1965, the first

respondent is under the Statutory obligation to give effect to the resolution/orders/approved of the Syndicate of Madurai Kamaraj University and

as per the section 20 and 20(7) of Madurai Kamaraj University Act 1965, the Syndicate Body is the Executive body and executive power to

administer the University is vested with it and it has power to appoint and promote Assistant Librarian at Dr.T.P.M.Library of Madurai Kamaraj University.

6. Again, the learned counsel appearing for the petitioner submitted that the Syndicate of Madurai Kamaraj University passed resolution on

03.02.2011 that the petitioner shall be promoted as an Assistant Librarian from the date of award of Ph.D., and the petitioner was awarded Ph.D.,

on 27.12.2011 and that it is nearly five years from the date of resolution. But, the respondents have not so far promoted the petitioner as Assistant

Librarian.

7. The learned counsel appearing for the respondents submitted that the Syndicate of Madurai Kamaraj University has passed resolution (item no

56 of draft minutes dated 03.02.2011) to promote the petitioner as Assistant Librarian at Dr.T.P.M.Library of Madurai Kamaraj University from

the date of award of Ph.D and respondents are ready to consider her representations.

8. In reply to the submission of respondents" counsel, the learned counsel for the Petitioner submitted that the petitioner has filed Miscellaneous

petition in M.P.(MD) No.2 of 2012 to amend the prayer and sought direction directing the respondents to promote the petitioner as Assistant

Librarian in Dr.T.P.M.Library of Madurai Kamaraj University as per the resolution dated 03.02.2011 passed by the Sydicate of Madurai

Kamaraj University.

9. From the appreciation of arguments advanced by the learned counsel appearing for the petitioner and respondents respectively and from the

perusal of affidavit and typed set of papers filed by the petitioner, it is obvious that the Syndicate of Madurai Kamaraj University has passed

resolution to promote the petitioner as an Assistant librarian from the date of award of Ph.D, in its meeting held on 03.02.2011 and as per the

provision of the Madurai Kamaraj University Act 1965, the respondents herein are under statutory obligation to give effect to the resolution passed

by its Executive Body, namely, Syndicate of Madurai Kamaraj University. Even after passing of five years from the date of resolution passed by

the Syndicate of Madurai Kamaraj University and from the date of award of Ph.D., to the petitioner herein, the respondents have not promoted

the petitioner as Assistant Librarian. Therefore, the petitioner is entitled the relief prayed for in the writ petition.

10. Therefore, I am inclined to pass the following orders:-

the writ petition is allowed and the respondents are directed to promote the petitioner as Assistant Librarian in Dr.T.P.M. Library of Madurai

Kamaraj University, within a period of four weeks from the date of receipt of a copy of this order, as per the resolution/order passed by the

Syndicate of Madurai Kamaraj University in its meeting dated 03.02.2011.

11. Accordingly, this writ petition is allowed. No costs.

Consequently, connected miscellaneous petition is closed.