
(2009) 10 MAD CK 0116

In the Madras High Court

Case No : Writ Appeal No. 1126 of 2006 and W.A.M.P. No. 1674 of 2006

The University of Madras

APPELLANT

Vs

P.P. Jayaraman and Others

RESPONDENT

Date of Decision : 12-10-2009

Acts Referred:

Citation : (2010) 1 MLJ 15 : (2009) WritLR 1039

Hon'ble Judges : Prabha Sridevan, J;M. Sathyanarayanan, J

Bench : Division Bench

Advocate : Mani Sundar Gopal, for the Appellant; Thirumavalavan, for R1 to R10, for the Respondent

Final Decision : Dismissed

Judgement

M. Sathyanarayanan, J.—The University of Madras-first Respondent in W.P. No. 13521 of 1996 is the Appellant and aggrieved by the

order directing them to promote the Respondents 1 to 10, as Assistant Librarians and also granting time for getting necessary qualification, has

preferred this writ appeal.

2. The facts in brief necessary for the disposal of this writ appeal are as follows:

It is the case of the Respondents 1 to 10/Writ Petitioners that they were originally recruited as Library Technical Assistants and in the year 1995,

the said post was redesignated as Library Technical Officers and consequently, the petitioners were redesignated to the post of Library Technical

Officers.

3. The hierarchy of posts in the Library of Madras University are:

(i) Librarian;

- (ii) Deputy Librarian;
- (iii) Assistant Librarian;
- (iv) Library Technical Officer; and
- (v) Library Assistant.

The qualification prescribed for the post of Assistant Librarian is the Masters Degree in Library Science and the qualification prescribed for Library

Technical Officer was Bachelors Degree in Library Science. The said qualification has been amended and the present requirement is Masters

Degree in Library Science. Library Technical Officers were eligible to be promoted as Assistant Librarians provided that they should get Masters

Degree in Library Science within a period of five years after promotion.

4. It is further contended by the writ petitioners that the University Grants Commission made recommendations for revision of scales of pay for the

above said posts and the qualification for the post of Assistant Librarian was fixed as Masters Degree in Library Science or equivalent professional

Degree or Masters Degree in Arts Science etc. As far as the Bachelors Degree in Library Science is concerned, a candidate has to pass National

Level Test conducted by University Grants Commission or any other agency approved by it. The University Grants Commission while making

recommendation for revision of pay scales, had prescribed the said enhanced qualification and also clarified that the enhanced/new qualification

would apply only to future recruitments and not to the existing incumbents.

5. The Government after taking into consideration the recommendations made by University Grants Commission, had issued orders in G.O.Ms.

No. 1786 Education Department, dated 5.12.1988. As per the said order, the revised scales of pay were given to various categories of posts in

Libraries and the qualifications for holding the said posts were also revised.

6. The Establishment Committee of the appellant herein in its meeting held on 13.3.1996, resolved that Library Technical Officers who possessed

Masters Degree in Library Science and who have 8 years of experience, can be upgraded as Assistant Librarian. The said decision was placed

before the Syndicate of the appellant University in its meeting held on 15.3.1996 and the Syndicate after considering the minutes, had resolved to

place the said decision before the Finance Committee for ascertaining financial

implications. However, the Finance Committee has opined that the redesignation of the Technical Officers as Assistant Librarian is not feasible. The decision of the Finance Committee was placed before the Syndicate which approved the decision by the Finance Committee. The effect is that the Library Technical Officers cannot be redesignated as Library Assistants.

7. The appellant University has issued an advertisement in a News daily dated 16.8.1996 calling for applications from the eligible candidates for filling up the post of Assistant Librarian and other posts. The writ petitioners aggrieved by the same, have filed the writ petition contending among other things, that direct recruitment will affect their rights for upgradation or promotion to the post of Assistant Librarian.

9. The appellant who was arrayed as the first Respondent, has filed its counter. In the counter affidavit, it has been stated that as per the letter of University Grants Commission dated 20.2.1990, the educational qualification for the post of Assistant University Librarian/College

Librarian/Documentation Officers with the pay scale of Rs. 2200-75-2800-100-4000, have been prescribed as follows:

- i. Qualifying the national level test conducted for the purpose by the UGC or any other agency approved by the UGC.
- ii. Master's degree in Library Science/Information Science/Documentation or an equivalent professional degree with at least fifty percent marks or it's equivalent grade plus a consistently good academic record.

OR

Master's degree in Arts/Science/Commerce or equivalent degree with at least fifty five percent marks or it's equivalent grade with Bachelor's degree in Library Science/Information Science/Documentation or an equivalent professional degree with at least fifty five percent marks or it's equivalent grade plus a consistently good academic record.

10. As per the directions of the Syndicate, redesignation of Library Technical Officers as Assistant Librarian was referred to the Finance

Committee who in its meeting held on 3.7.1996 resolved not to comply with the request for such redesignation. The Syndicate of the appellant

University called in its meeting held on 19.7.1996, has approved the resolution dated 3.7.1996 passed by the Finance Committee. The appellant

University calls for application from open market to fill up 10 posts of Assistant Librarian and in response to the advertisement, 152 applications

were received for the post of Assistant Librarian and because of the interim orders, the selection could not be proceeded with.

11. The writ petitioners filed a rejoinder stating among other things that on past occasions, the appellant University has been following University

Grants Commission's guidelines only as advisory in nature and therefore, the stand taken by them that they have to comply with University Grants

Commission's directives is wholly untenable.

12. The learned Judge after taking into consideration the averments made in the affidavit, counter and reply affidavit and other materials available

on record, has held that the suggestions made by University Grants Commission is recommendatory in nature and so also the fixation of

educational qualification. Hence, direction was given to the appellant University to promote the writ petitioners as Assistant Librarians and one year

time was also granted to acquire the qualification by passing National Level Test conducted by University Grants Commission. The University

aggrieved by the same, has preferred this writ appeal.

13. Heard the submissions of Mr. Mani Sundar Gopal, learned Counsel appearing for the appellant, Mr. Tirumavalavan, learned Counsel

appearing for the Respondents 1 to 10 and there is no appearance for the 11th Respondent and that they are formal party.

14. The Education Department of Government of Tamil Nadu, has passed an order in G.O.Ms. No. 1786 dated 5.12.1988 granting revision of

scales of pay to Librarian/Physical Directors employed both in Government Colleges as well as aided colleges. In view of the revision of pay sales,

revised educational qualification was also prescribed.

15. The appellant University in the Syndicate meeting held on 28.7.1990, has considered the letter dated 20.2.1990 received from the 11th

Respondent/University Grants Commission and resolved to revise the qualifications for fresh recruitments to the posts of Librarian and Assistant

Librarian without affecting the existing incumbents for the various posts who will continue to hold the post irrespective of the qualification they

possess on that date. Accordingly, the qualification for the posts of Assistant University Librarian/College Librarian/Documentation Officer has

been revised as stated above.

16. The appellant University had received representation from Library Technical Officers to redesignate them as Assistant Librarians and though

the Syndicate agreed in principle for such a redesignation, however, referred the same to the Finance Committee to ascertain the Financial

implications. The Finance Committee on consideration, found that such a proposal is not feasible and therefore made recommendation for rejection

of the said request. The said decision of the Finance Committee was placed before the appellant's Syndicate meeting held on 19.7.1996 and it has

been resolved to accept the said recommendation. The result being that the request made by the Library Technical Officers such as Respondents 1

to 10 to redesignate them as Assistant Librarians has been rejected. Admittedly, no challenge has been made to such a decision.

17. Thereafter, the appellant University issued an advertisement of direct recruitment for the Assistant Librarian and other posts and it was

opposed by the Respondents 1 to 10 stating that the Revision of qualification cannot affect existing incumbents and hence filed the writ petition

which came to be allowed in their favour.

18. A perusal of the letter dated 6.9.1990 sent by the Registrar of the appellant University to various Heads of Departments of the University

would indicate that the revision of qualification suggested by University Grants Commission was adopted without affecting the existing incumbents

in the various posts. The only interpretation to the said letter is that if the Assistant Librarians are continuing on the date of adoption of the

recommendation made by University Grants Commission, they need not pass National Level Test conducted by University Grants Commission or

any other agency.

19. Admittedly, on the date of adoption of the recommendation made by the University Grants Commission by the appellant University, the

Respondents 1 to 10 were holding the posts of Library Technical Officers which is a post below than that of Assistant Librarian. A Library

Technical Officer in order to become Assistant Librarian must pass National Level Test conducted by University Grants Commission or with any

other approved agency and they should also hold Master's Degree in Library Science etc. On the date of filing the writ petition, none of the

Respondents 1 to 10 had passed the National Level Test.

20. This Court while allowing the writ petition, has directed the appellant University to promote the Respondents 1 to 10 as Assistant Librarians

and also granted one year's time to pass the National Level Test conducted by University Grants Commission or any other approved agency.

21. It is submitted by the learned Counsel appearing for the appellant that some of the Respondents had passed National Level Test and they were

promoted as Assistant Librarians. The third Respondent has belatedly passed National Level Test and her case for promotion as Assistant

Librarian is under active consideration.

22. On a consideration of the entire materials available on record, this Court is of the considered opinion that the recommendation made by

University Grants Commission for revision of qualification for the post of Librarian etc., has been adopted by the appellant University as per the

decision taken in the Syndicate meeting. Once the University adopts the standard prescribed by the University Grants Commission, it is obligatory

on the part of the Respondents 1 to 10 and other persons similarly placed to fulfil the eligibility criteria and admittedly on the date of filing the writ

petition, they did not have the said qualification. That apart, the request for redesignation made by Library Technical Officers to redesignate them

as Assistant Librarians were rejected by the Finance Committee of the appellant University which was also approved by the Syndicate of the

appellant University in its meeting held on 19.7.1996. The said decision has not been challenged and became final.

23. Therefore, the act on the part of the University in calling for applications from open market for filling up the posts of Librarian etc. is in order.

Unless and until the Library Technical Officers obtain the revised qualification prescribed by the University Grants Commission and adopted by the

appellant University, they are ineligible to be considered for the post of Assistant Librarian and therefore, the grant of time to acquire qualification,

is also not in order. It is represented by the learned Counsel appearing for the appellant that some of the Respondents had acquired necessary

qualification and they were promoted as Assistant Librarians. The promotion granted to some of the Respondents need not be disturbed.

24. Hence, for the above said reasons, the writ appeal is allowed and the order

dated 24.9.2004 and the order of modification dated 7.1.2005

made in W.P. No. 13521 of 1996 are set aside and consequently, writ petition is dismissed. But in the circumstances, there will be no order as to costs.