

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-07-2026

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THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

W.A.No.1766 of 2026 AND
C.M.P.No.16126 of 2026

1. The State of Tamil Nadu
Rep. by its Additional Chief Secretary /
Secretary, Highways and Minor Ports
Department, Fort St.George,
Chennai - 600 009.
2. The Director General
Highways Department,
Guindy, Chennai 600 025.

... Appellants

-VS-

P.Jegan

... Respondents

Prayer: To set aside the order dated 21.11.2025 made in W.P.No.45570 of 2025.

For Appellants:	Mr.T.Gowthaman, AAG Assisted by Mr.R.Sankar, Govt. Counsel
For Respondent:	Mr.S.Karthikei Balan

J U D G M E N T

(Judgment of the Court was delivered by S.M.Subramaniam J.)

Under assail is the Writ Order dated 21.11.2025 passed in W.P.No.45570 of 2025. State preferred the present Writ Appeal mainly on the ground that direction issued by Writ Court to grant promotion,



despite the fact that respondent / Diploma Holder is not qualified for promotion to the post of Assistant Divisional Engineer (ADE) in the panel of the year 2018-2019, is not in consonance with promotion Rules.

2. Facts in brief are that respondent / Writ Petitioner was initially appointed as Assistant Draughtsman, promoted as Junior Draughting Officer and Junior Engineer. His next avenue for promotion under 3:1 quota is to the post of Assistant Divisional Engineer (ADE). Crucial date for preparation of panel of Officers fit for promotion to the post of ADE was 15.07.2017 for the panel of the year 2018-2019. 91 vacancies were notified, out of which, 23 vacancies were to be filled from amongst Junior Engineers (Diploma Holders). Remaining 68 vacancies were to be filled up by direct Assistant Engineer. Rule position is not disputed between parties to the *lis*. Ratio of 3:1 is also settled. Under these circumstances, respondent was not considered for promotion to the post of ADE.

3. Learned counsel for the respondent would submit that none of the Junior Engineers (Diploma Holders) was considered for promotion to the post of ADE in the panel of the year 2018-2019. Therefore, Writ Petition came to be instituted.



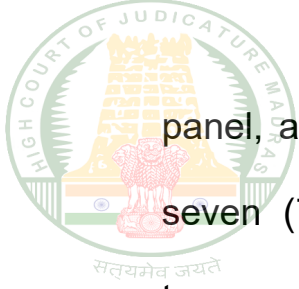
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4. Learned Additional Advocate General appearing on behalf of the State would submit that no doubt, ratio of 3:1 is to be followed.

However, during preparation of panel for the year 2018-2019, Department found that none of Junior Engineers (Diploma Holders) was qualified for promotion to the post of ADE. Thus, they were not considered. Subsequently, seven (7) qualified Junior Engineers (Diploma Holders) were promoted to the post of ADE. That apart, none of the Juniors to respondent was promoted in the said panel. Thus, there was no cause of action for filing writ petition and direction issued by Writ Court to grant promotion is not in consonance with the legal principles settled in the matter of promotion.

5. This Court has considered rival submission made between parties to *lis*.

6. Promotion cannot be claimed as a vested right. However, consideration for promotion is a fundamental right of an employee and all eligible Officers aspiring to secure promotion are to be considered at the time of preparation of panel by Department. In the present case, subject panel was prepared during the year 2018-2019 and crucial date was 15.07.2017. Ninety One (91) vacancies were notified. However, none of the Junior Engineers (Diploma Holders) was included in the



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panel, as no one was qualified and thus, not promoted. Subsequently, seven (7) Junior Engineers (Diploma Holders) were included in the temporary panel and appointed as ADE by transfer from the post of Junior Engineers (Diploma Holders). Even in respect of those seven (7) Junior Engineers (Diploma Holders), they were admittedly senior to respondent. Therefore, rule of seniority has not been violated for grant of promotion to the post of ADE. However, the ratio of 3:1 is to be honoured by Department, whenever the process of promotion is undertaken.

7. Ratio fixed between directly recruited Assistant Engineers and Junior Engineers (Diploma Holders) provides right to Junior Engineers (Diploma Holders). Department, on initiation of steps to fill up the post of ADE, must ensure that eligible Junior Engineers (Diploma Holders) are also considered for promotion to the post of ADE in the order of seniority in their quota, viz., one post out of four posts. It is brought to the notice of this Court that except seven (7) Junior Engineers (Diploma Holders), no other Junior Engineers (Diploma Holders) were promoted for the past about eight years. Department should initiate steps to insure that 3:1 ratio is scrupulously followed and ensure equal opportunity of promotion amongst Junior Engineers (Diploma Holders) and Directly Recruited Assistant Engineers.



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8. Equal opportunity in promotion is a constitutional mandate.

When the ratio of 3:1 is fixed between directly recruited Assistant Engineers and Junior Engineers (Diploma Holders), the said ratio is to be followed, whenever the process of preparation of panel is undertaken by Department. Regarding eligibility criteria, the same are to be followed by Department in accordance with Service Rules in force. Names of all eligible Junior Engineers (Diploma Holders), who are all waiting for promotion are to be considered by Department at the time of preparation of panel in respect of notified vacancies to be filled up.

9. Filling up of the post of ADE is an administrative decision to be taken. High Court cannot direct to fill up the post, which would result in interfering with the day-to-day administration of Government Departments and would fall beyond the realm of judicial power. Thus, the order of Writ Court, directing Department to grant promotion is not in consonance with the legal principles settled.

10. It is made clear that while following the ratio of 3:1 in respect of panel, Department must ensure that all eligible Junior Engineers (Diploma Holders) are considered in the order of seniority and by following procedures as contemplated under law. Accordingly, they should be granted promotion.



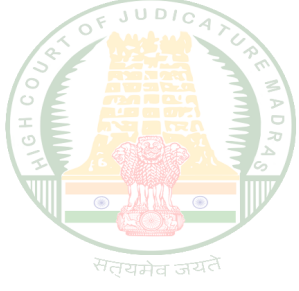
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11. Appellants are directed to once again verify the eligibility of the respondent for promotion to the post of ADE with effect from the panel of year 2018-2019. If the respondent is otherwise qualified on the crucial date, i.e., 15.07.2017, case of the respondent is to be considered for inclusion of his name in the panel of the year 2018-2019. Similarly, if any other qualified Junior Engineers (Diploma Holders) are available in the same panel of the year 2018-2019, names of those persons are also to be considered along with the name of respondent and the Rule of seniority is to be strictly followed after clearly ascertaining eligibility of persons for promotion to the post of ADE.

12. In view of the above position, the present Writ Appeal is allowed. The order of Writ Court impugned dated 21.11.2025 is set aside. No costs. Consequently, connected Miscellaneous Petition is closed.

(S.M.S.,J.) (N.S.,J.)
14-07-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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