

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 06.11.2017
CORAM
THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
W.P.No.5585 of 2014

Dr.T.R.Gopalakrishnan

..Petitioner

Vs

1.The Registrar,
University of Madras,
Chennai - 600 005.

2.Dr.G.Ravindran,
Head of the Department,
Department of Journalism and Communication,
University of Madras,
Chennai - 600 005.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondent No.1 - University to consider the application of the petitioner dated 05.04.2013 for promotion to the post of Associate Professor (Stage 4) in the Department of Journalism and Communication by constituting a Selection Committee comprising members other than respondent No.2 within a reasonable time as may be determined by the Court.

For Petitioner : Mr.M.Radhakrishnan

For Respondents : Mr.R.Gopinath, for R1

O R D E R

The relief sought for in this writ petition is for a direction to the first respondent to consider the application of the petitioner dated 05.04.2013 for promotion to the post of Associate Professor (Stage 4) in the Department of Journalism and Communication.

2. The prayer as such sought for in this writ petition is absolutely misconceived, the petitioner seeks promotion by submitting an application to the respondents. No doubt, the writ petitioner may be fully qualified for promotion. However, mere acquisition of qualification will not confer any right for the candidates to secure promotion. Promotion can never be claimed as a right, however, consideration for promotion is a

fundamental right. A consideration for promotion will arise only in the event of preparation of panel and not otherwise. Thus, the right of the petitioner will be accrued only when the process of promotion had been under taken by the respondents.

3. Thus, this Court is of the opinion that the petitioner has not established any semblance of legal rights, so as to consider his writ petition on merits. Establishing a right is a pre-condition to entertain a writ proceedings under Article 226 of the Constitution of India. Mere application seeking promotion cannot be a cause to move a writ petition. The writ petitioner if aggrieved under the actions of the respondents in this regard can move the writ petition. Thus, no further adjudication on merits needs to be under taken in view of the fact that the writ petitioner has not established any legal right, so as to consider his claim for promotion. Further, the writ petitioner has not established that a panel has been prepared and his juniors have been promoted nor any Rules in this regard have been violated. Thus, this Court is not inclined to entertain this writ petition.

4. Accordingly, the writ petition stands dismissed. However, no order as to costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

ms

To

1.The Registrar,
University of Madras,
Chennai - 600 005.

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