

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2017

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. No.8626 of 2017

P.Renganayaki

...Petitioner

Vs.

1. The Secretary to Government of Tamil Nadu,
Education Department,
Fort St. George,
Chennai - 600 009.
 2. The Director of Public Libraries, Govt. of Tamil Nadu,
Office of the Director of the Public Libraries,
Anna Salai,
Chennai - 600 002.
 - 3.E.Krishnamoorthy
 - 4.R.Yuvaraj
 - 5.P.Rajendran
 - 6.M.P.Karlmarx
- ...Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India to issue an appropriate Order, Directions or Writ including a Writ of Mandamus, forbearing the Respondents 1 and 2 from granting promotion to persons like Respondents 3 to 6 as District Library Officers unless and until eligible seniors like the petitioner are given promotions in accordance with Rule 35 (aa) of the Subordinate Service Rules.

For Petitioner : Mr.M.Purushothaman
For Respondents : Mr.P.Sanjay Gandhi (R1 & R2)
Additional Government Pleader.

O R D E R

The relief sought for in this writ petition is to forbear respondents 1 and 2 from granting promotion to other persons working in the Department as District Library Officers unless and until the petitioner is granted with an order of promotion.

2. The petitioner has not made out a case showing that the department has considered any promotion of her juniors or she was denied with the promotion to the higher post of District Library Officers. Unless the ground regarding violation of Rules is established, this Court cannot consider the general grounds raised in the writ petition and the prayer as such sought for in this writ petition cannot be considered.

3. In view of the fact that the legal principles in this regard is that, consideration of an employee for promotion can be claimed as a matter of right but promotion of an employee cannot be claimed as a matter of right and whenever the department initiate action for preparation of panel, the eligible candidates for promotion will be considered in accordance with the Rules. But no such exercise has been undertaken at present, as per the affidavit filed on behalf of the writ petitioner along with this writ petition.

4. The writ petitioner contrarily states that there is a proposal to promote her juniors, but it is not clear that whether any panel has been drawn in this respect or not. In the absence of drawal of proper panel, any consideration in the writ petition filed with such a general prayer is premature and the writ petitioner cannot be construed as an aggrieved person in the eye of Law.

5. In view of this factum, this Court is not inclined to grant any relief as sought for in this writ petition. Therefore, this writ petition stands dismissed. However, there is no order as to costs.

s/d-
Assistant Registrar(CS-V)

True Copy

Sub-Assistant Registrar

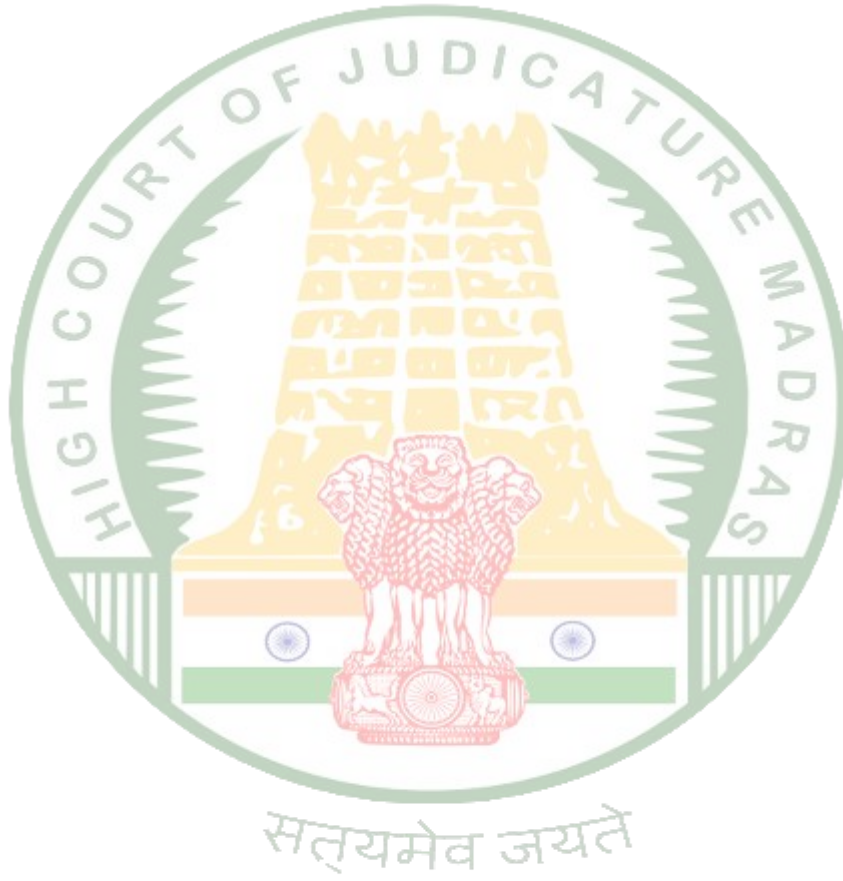
may
To

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Chennai - 600 002.

+2 Ccs to Mr.M.Purushothaman, Advocate sr 46452
+1 CC to Govt. Pleader sr 46882

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sp(17/07/2017)



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