

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.10.2017

CORAM

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

W.P.No.6946 of 2014

S.Kamakshi

..Petitioner

Vs

The Director of Medical Education,
Office of the Directorate of
Medical Education,
Kilpauk,
Chennai - 600 010.

..Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the respondent to include the name of the petitioner in the panel for the post of Lecturer in Nursing and promote her as Lecturer in Nursing as per her service seniority and teaching experience.

For Petitioner : Mr.S.Doraisamy

For Respondent : Mr.A.Raja Perumal
Additional Government Pleader

ORDER

The relief sought for in this writ petition is for a direction to include the name of the petitioner in the panel for the post of Lecturer in Nursing and promote her as Lecturer in Nursing as per her service seniority.

2. The learned counsel appearing for the writ petitioner is unable to substantiate that the panel for promotion to the post of Lecturer has been prepared during the relevant point of time or the name of the writ petitioner has been deferred or in between, juniors to the writ petitioners were promoted. The learned counsel urged this Court that the writ petitioner submitted her representation to the respondent on 19.03.2012 and on 06.02.2014.

3. On perusal of the representation, it is seen that the writ petitioner was appointed as Nurse in the year 1983 and thereafter promoted to the post of Nurse Tutor in the year 2007. The petitioner has completed M.Sc., Nursing (Psychiatric). Therefore, she claims that she is entitled for promotion to the post of Lecturer. Further, it is stated in the representation that the writ petitioner was to retire from service on 31.8.2016 and therefore, she has to be promoted as Lecturer.

4. Promotion can never be claimed as a matter of right. This Court is of the opinion that the legal principles in this regard that the promotion can never be claimed as a right is settled by the Supreme Court of India. In the case on hand, the fact regarding panel preparation has not been established by the writ petitioner in this writ petition. In the absence of any one of the legal grounds, the question of considering the prayer for promotion to the post of Lecturer does not arise at all. Further, as per the representation submitted by the writ petitioner, she was due for retirement from service on 31.8.2016 and now the question of granting the promotion cannot be considered. Thus, the writ petitioner has not established any right for promotion, so as to consider her case for issuance of direction to the respondent.

5. Accordingly, this Writ Petition stands dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

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To

The Director of Medical Education,
Office of the Directorate of Medical Education,
Kilpauk, Chennai - 600 010.

+ 1 cc to Mr.S. Doraisamy, Advocate SR.72781

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NRI (CO)
EU(20/11/2017)