

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.07.2017

CORAM

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

W.P.No.11596 of 2017

and

W.M.P.No.12603 of 2017 & 12978/2017

- 1.P.Mayilvahanan
- 2.K.S.Mozhiyarasi
- 3.P.Selvi
- 4.S.Balasubramanian
- 5.Dr.M.Chinnappan
- 6.Dr.Vanitha
- 7.D.Margaret Emily
- 8.V.Usha Rani
- 9.G.Kala
- 10.Siva Subramanian
- 11.Stella Mallika

.... Petitioner

Vs

- 1.The Government of Tamilnadu,
Rep. by Secretary to Government School,
Education Department,
St.Fort George, Chennai 600 009.

- 2.The Director,
State Council of Educational Research and Training,
DPI Campus, College Road,
Chennai 600 006.

...Respondents

सत्यमेव जयते

Prayer: Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus directing the respondents to promote the petitioners to the post of Principal (DIET) and Deputy Director in State Council of Educational Research and Training (SCERT) as per the ad-hoc rules framed in G.O.M.S.No.133 School Education Department dated 14.06.2007 consequently directing the respondents to release the seniority list as admitted in the Hon'ble High Court in W.P.No.25831 of 2013 dt.13.09.2013 and as per respondent order No.2438/A2/2016 dated 11.11.2016 and appoint the petitioners for the post of Principal immediately as per the seniority.

For Petitioner : M/s.R.B.Associates

For Respondents : Mr.K.Dhana Jeyam
Spl.Govt.Pleader

ORDER

The legal principle in the matter of promotion is that consideration of an employee for promotion is a fundamental right of an employee but, promotion can never be claimed as right. The case on hand is one such matter.

2.The relief sought for in this writ petition is for direction to promote the petitioners to the post of Principal (DIET) and Deputy Director in State Council of Educational Research and Training (SCERT) as per the ad-hoc rules framed in G.O.M.S.No.133 School Education Department dated 14.06.2007 and consequently directing the respondents to release the seniority list as admitted before the Hon'ble High Court in W.P.No.25831 of 2013 dt.13.09.2013 and as per respondents' order No.2438/A2/2016 dated 11.11.2016 and appoint the petitioners for the post of Principal immediately as per the seniority, in view of promotions to be given as per the rules framed for the particular post.

3.But the Learned Counsel for the writ petitioners is unable to place any material on record before this court and admittedly, no panel in respect of this promotion is prepared. The right of the writ petitioner will arise only when the panel is prepared and promotion can never be claimed as a matter of right. Hence, this Court is of the firm opinion as such that the relief sought for in this writ petition cannot be considered at all, and it is premature.

4.With these observations, the writ petition stands dismissed. However there is no order as to costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

To

1. The Secretary to Government School,
Education Department,
St.Fort George, Chennai 600 009.

2. The Director,
State Council of Educational Research and Training,
DPI Campus, College Road,
Chennai 600 006.

+ 1 cc to M/s.R.Rajaramani, Advocate, SR.46984

+ 1 cc to The Govt.Pleader, SR.47269

W.P. No.11596 of 2017

SKV(CO)
NR 25/07/2017



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