

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.07.2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.13455 of 2017  
and  
W.M.P.No.14506 of 2017

K.Jayaram

...Petitioner

Vs.

1. The Director of Elementary Education,  
O/o.The Director of Elementary Education,  
College Road, Nungambakkam,  
Chennai 600 034.

2. The District Elementary Education Officer,  
O/o.District Elementary Education Officer,  
Erode District, Erode.

3. The Assistant Elementary Educational Officer,  
Thalavadi Panchayath Union,  
Thalavadi, Erode District.

...Respondents

Prayer: The writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondent to consider the petitioner's request through in person dated 20.05.2017 for promotion as Head Master to a Middle School in Kanada medium.

For Petitioner : Mr.N.Chinnaraj

For Respondents : Mr.P.Sanjay Gandhi,  
Addl. Govt. Pleader

ORDER

The relief sought for in this writ petition is for granting promotion to the petitioner as Head Master to a Middle School in Kanada medium.

2. The petitioner has not made out a case showing that the education department has not considered his promotion and he was denied with the promotion to the post of Head Master. 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.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 the respondents are preventing the petitioner from getting promotion, 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. Connected miscellaneous petition is closed.

Sd/-

Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

To

1. The Director of Elementary Education,  
O/o.The Director of Elementary Education,  
College Road, Nungambakkam,  
Chennai 600 034.

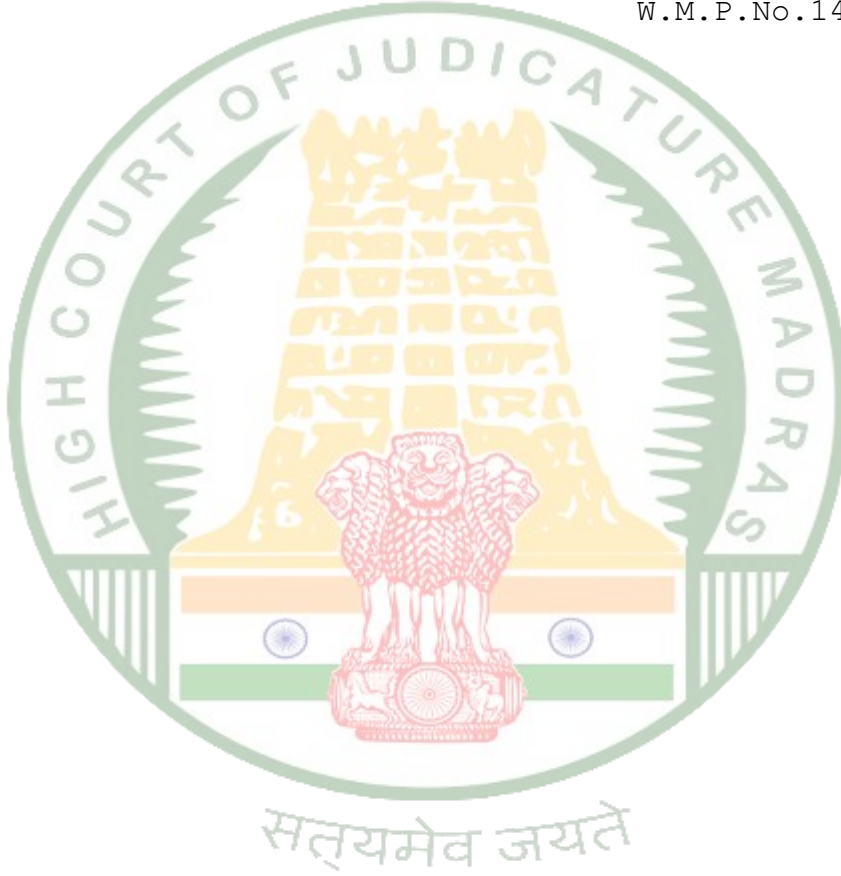
2. The District Elementary Education Officer,  
O/o.District Elementary Education Officer,  
Erode District, Erode.

3. The Assistant Elementary Educational Officer,  
Thalavade Panchayath Union,  
Thalavadi, Erode District.

+1 cc to Govt.Pleader,sr.47237.

Skv(co)  
krd 29/7

W.P.No.13455 of 2017  
and  
W.M.P.No.14506 of 2017



WEB COPY