

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.10.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. NO.27490 of 2017

N.Lakshmanan

... Petitioner

Vs

The Director of Fisheries,
Fisheries Department,
DMS Complex, Teynampet,
Chennai-6

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Mandamus directing the respondent to consider and pass orders on merits by disposing the written representation made by the petitioner on 05.07.2017 within a stipulated time.

For Petitioner : Mr.C.Prakasam

For Respondent : Ms.V.Jayaprakash Narayanan,
Special Government Pleader

ORDER

The petitioner has come to this Court seeking a writ of mandamus directing the respondent to consider his representation made on 05.07.2017.

2. It is the case of the petitioner that he is at present working as Fishery Overseer Grade-1 for more than six years and nine months and he was initially appointed as Fishery Overseer Grade-II. According to the petitioner, he is due for promotion to the post of Sub Inspector of Fisheries and that he has also passed the requisite departmental tests for being considered for promotion to the above post. However, the respondent has not considered the case of the petitioner for promotion. Therefore, he made a representation on 05.07.2017 to consider his case for promotion for the post of Sub Inspector of Fisheries, but no order has been passed till date. Therefore, left with no alternative, the petitioner has approached this Court by filing the present petition.

3. Though contention is raised by the learned counsel for the petitioner in tune with the averments made in the petition, however, this Court is unable to find any merit in the writ petition for the reason that though the petitioner claims promotion to the post of Sub Inspector of Fisheries, neither any substantial record nor the necessary rules relating to promotion have been placed before this Court. It is for the petitioner to substantiate his case by placing the necessary documents and rules based on which other deserved candidates have been promoted. Further, in the absence of any documentary proof showing that the petitioner has all the requisite qualifications as contemplated under the rules for being promoted to the next higher post, i.e., Sub Inspector of Fisheries, issuing a mandamus as prayed, in the facts and circumstances of the case, would not be feasible.

4. In the above facts and circumstances, this petition, being devoid of merits, is liable to be dismissed and, accordingly, this writ petition is dismissed. However, in the circumstances of the case, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

GLN/msvm

To

The Director of Fisheries
Fisheries Department
DMS Complex, Teynampet
Chennai - 6.

+lcc to Mr.C.Prakasam, Advocate, S.R.No.76124

+lcc to the Government Pleader, S.R.No.76394

SS(CO)
CA(20/11/2017)

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