

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.28005 of 2016

M.S.Nalanth,

...Petitioner

Vs.

1. The Director of School Education,
D.P.I.Compound,
College Road, Chennai - 600 006.
2. The Joint Director,
School Education,
D.P.I.Compound,
College Road, Chennai - 600 006.
3. The Chief Educational Officer,
Saidapet, Chennai
4. The District Education Officer (Chennai East),
Chennai - 600 002.
5. The Secretary,
The Hindu Higher Secondary School,
149,Big Street, Triplicane,
Chennai - 600 005.

...Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the fifth respondent to consider the representation submitted by the petitioner on 12.5.2016 for promotion to the post of Tamil Pandit, found vacant in the fifth respondent school and pass orders on merits within a reasonable time.

For Petitioner : Ms.M.D.M.Sheela Priya Dharshini
for Mr.C.Johnson

For R1 to R4 : Mr.R.S.Selvam
Government Advocate

For R5 : No appearance

O R D E R

Ms.M.D.M.Sheela Priyadharshini, learned counsel appearing for the writ petitioner vehemently contended that the writ petitioner is eligible for promotion to the further post of Tamil Pandit. The learned counsel further stated that though the writ petitioner is fully qualified for the eligible claim, promotion has not been considered by the respondents. Thus, he made a representation to the fifth respondent and the same is directed to be considered.

2. This Court is of the view that promotion can never be claimed as a matter of right by the employees. However, consideration for promotion is a fundamental right. When the consideration for promotion is a fundamental right, the right accrues soon after the panel is prepared or any proceedings are issued in respect of the promotion or if any junior to the writ petitioner was promoted. In the absence of establishing that the respondents have prepared a panel and not considered the writ petitioner for promotion the right will not accrue to the petitioner and therefore there is no cause for filing the writ petition for seeking promotion. In the absence of establishing a right, no writ can be entertained or any direction relating to the promotion can be granted. This being the view of the Court, no consideration is required to be given on the ground raised in this writ petition.

3. Accordingly, the writ petition stands dismissed. However, there is no order as to costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

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To

1. The Director of School Education,
D.P.I.Compound,
College Road,Chennai-600 006.

2. The Joint Director,
School Education,
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College Road,Chennai-600 006.

3. The Chief Educational Officer,
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4. The District Education Officer (Chennai East),
Chennai-600 002.
5. The Secretary,
The Hindu Higher Secondary School,
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Chennai-600 005.

+1cc to Mr.C.Johnson, Advocate, S.R.No.70453
+1cc to the Government Pleader, S.R.No.69860

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CS/01/11/17



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