

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.04.2018

CORAM

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

W.P.No.7657 of 2018

M.Sasikala

..Petitioner

Vs.

- 1.The Secretary to Government,
School Education Department,
6th Floor, Namakkal Kavignar Maligai,
For St.George, Secretariat,
Chennai-600 009.
- 2.The Chief Education Officer,
Panagal Building 1st Floor,
Saidapet,
Chennai-600 015.
- 3.District Education Officer, (East Zone),
No.81, Inside Jaigopal Garodia Girls High School,
Choolaimedu High Road,
Choolaimedu.
- 4.Assistant Education Officer,
Anthiyur Union,
Government Higher Secondary School Campus,
Anthiyur-638 501.
- 5.Directorate of School Education,
17, College Road,
Thousand Lights West, Thousand Lights,
Chennai-600 008.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the Respondent to consider the representation of the Petitioner dated 12.03.2018 and promote her to the post of Science Bachelor Teacher by converting the post of Maths Bachelor Teacher in May 2018 in the Panchayat Union School.

For Petitioner : M/s.S.Varsha

For Respondents: Mrs.P.Rajalakshmi
Additional Government Pleader

O R D E R

The relief sought for in this writ petition is for a direction to direct the respondent to consider the representation of the petitioner dated 12.03.2018 and promote her to the post of Science Bachelor Teacher by converting the post of Maths Bachelor Teacher in May 2018 in the Panchayat Union School.

2.The learned counsel appearing on behalf of the writ petitioner vehemently contended that the writ petitioner is eligible for promotion to the higher post. However, on account of certain wrong administrative decisions regarding deployment, she has been deprived of her entitlement and she is now working as secondary Grade teacher in Panchayat Union School, and the apprehension of the writ petitioner is that she may be deprived of her promotion to the post of Science Bachelor Teacher in the very same school and on account of an erroneous administrative decision taken by the Competent Authorities, she may lose her chance for promotion. With these apprehensions, a representation was submitted on 12.03.2018, and the writ petitioner moved the present writ petition for a direction to direct the respondent to consider the said representation.

3.The legal principles to be considered in this matter is that the promotion can never claimed as a legal right. However consideration for promotion is a fundamental right of an employee. Thus whenever a panel is prepared for promotion, all the eligible candidates have to be considered in accordance with their respective seniority and in accordance with the rules in this regard. At the outset, all the qualified employees for promotion are to be considered at the time of preparation of the panel. However, in the present case on hand, it is admitted that no such panel has been prepared and the process of promotion is yet to be commenced.

4.The present writ petition is filed only on the apprehension that the right of promotion of the writ petitioner may be denied. No writ petition can be entertained based on such apprehension since, the promotion can never be claimed as a right. As far as the present position of the writ petitioner is concerned, absolutely there is no grievance at all. She is continuing as a Secondary Grade Teacher and therefore, this Court is of an opinion that the writ petitioner has failed to establish any legal right, so as to consider the relief as such sought for in this writ petition. In the absence of any such legal right, no writ can be entertained at all. It is a pre-condition that a legal right is to be established for

entertaining a writ proceedings under Article 226 of the Constitution of India. Under these circumstances, this Court is not inclined to entertain the writ petition as the writ petitioner has not established any legal right so as to consider the relief sought for.

5. Accordingly, the writ petition stands dismissed. There shall be no order as to costs.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

KP

To

1. The Secretary to Government,
School Education Department,
6th Floor, Namakkal Kavignar Maligai,
For St. George, Secretariat,
Chennai-600 009.
2. The Chief Education Officer,
Panagal Building 1st Floor,
Saidapet,
Chennai-600 015.
3. District Education Officer, (East Zone),
No.81, Inside Jaigopal Garodia Girls High School,
Choolaimedu High Road,
Choolaimedu.
4. Assistant Education Officer,
Anthiyur Union,
Government Higher Secondary School Campus,
Anthiyur-638 501.
5. Directorate of School Education,
17, College Road,
Thousand Lights West, Thousand Lights,
Chennai-600 008.

+1 CC to M/s.S. Varsha, Advocate sr 24514.
+1 CC to Govt. Pleader sr 24857.

W.P.No.7657 of 2018

NRI (CO)
GSP (17/04/2018)



WEB COPY