



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.03.2018

CORAM

WEB COPY

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

W.P.(MD) No.4612 of 2014
and
M.P(MD) No.1 of 2014

H.Herold Joshua

... Petitioner

-vs-

1.The Director of School Education,
Directorate of School Education,
College Road, Chennai.

2.The Chief Educational Officer,
Tirunelveli District.

3.The District Educational Officer,
Cheranmahadevi Office,
at Tirunelveli, Tirunelveli District.

4.The Correspondent,
Concordia Higher Secondary School,
Valliyoor, Tirunelveli District.

... Respondents

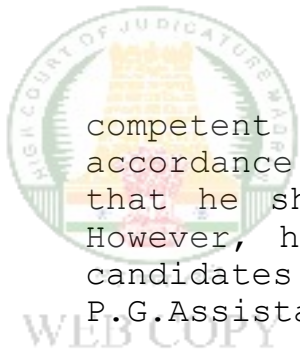
Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to promote the Petitioner as P.G.Assistant in Zoology in the vacancy arise due to the retirement of Mr.K.Durai during June 2013 by considering the representation dated 25.09.2013 within the time frame fixed by this Court.

For Petitioner	: M/s.S.C.Herold Singh
For Respondents	: Mr.M.Muthu,
1 to 3	Additional Government Pleader
For Respondent-4	: No appearance

O R D E R

The grievance of the Writ Petitioner is that the post of P.G.Assistant Zoology is vacant in the fourth respondent school and on account of the management dispute, the Writ Petitioner has not been considered for the said post.

2.This Court is of an opinion that promotion can never be claimed as a matter of right. However consideration for promotion is a fundamental right while undertaking the process of selection. The



competent authorities have to consider all the candidates in accordance with the rules. Thus the Writ Petitioner cannot claim that he should be promoted to the post of P.G.Assistant Zoology. However, his name may be considered along with all other eligible candidates who are eligible for promotion to the post of P.G.Assistant Zoology.

3.In this view of the matter, the fourth respondent is directed to consider the names of all the eligible persons for promotion to the post of P.G.Assistant Zoology including the name of the Petitioner.

4.With these observations, the Writ Petition stands disposed of. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1.The Director of School Education,
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Cheranmahadevi Office,
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4.The Correspondent,
Concordia Higher Secondary School,
Valliyoor, Tirunelveli District.

+1CC TO SPECIAL GOVERNMENT PLEADER, SR NO.58402
+1CC TO M/S.S.C.HEROLD SINGH, ADVOCATE, SR NO.57901

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and
M.P(MD)No.1 of 2014
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vsn

MS/KKR/SAR-1/12.04.2018/2P.7C