

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 27.03.2018

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE **S.M.SUBRAMANIAM****W.P. (MD) No.12014 of 2011****and****M.P (MD) Nos.2 and 3 of 2011**

P.Selvi,
Wife of Kasipandian,
Secondary Grade Teacher,.
Panchayat Union Primary School,
Sithakkoor,
Madurai East Panchayat Union,
Madurai District.

... Petitioner

-vs-

1. The State of Tamil Nadu,
represented by its Secretary,
Department of School Education,
Fort St.George,
Chennai - 600 009.
2. The Director of Elementary Education,
College Road,
Chennaio - 600 006.
3. The District Elementary Educational Officer,
Madurai, Madurai District.
4. The Assistant Elementary Educational Officer,
Madurai East Union,
No.1, Kamala Street,
Tallakulam,
Madurai - 625 002.
5. The Headmaster,
Panchayat Union Primary School,
Sithakkoor,
Madurai East Panchayat Union,
Madurai District.
6. The Headmaster,
Panchayat Union Middle School,
Kabeer Nagar,
Madurai East Union,
Madurai - 625 020.



7. S.V.Shanthi,
B.T Assistant in English,
Panchayat Union Middle School,
Thonthilingapuram,
Kottampatti Union,
Madurai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records of the impugned order issued by the third respondent/The District Elementary Educational Officer in favour of the 7th respondent vide Na.Ka.No.2073/A5/2011, dated 3.9.2011 and to quash the same and to direct the respondents 1 to 4 to consider forthwith the Petitioner for the post of B.T.Assistant in English in the sixth respondent Panchayat Union Middle School at Kabeer Nagar, Madurai East Union, Madurai - 625 020 by way of promotion for which the Petitioner is legally entitled to.

For Petitioner	: M/s.B.K.Rajendran
For Respondents	: Mr.R.Sethuraman
1 to 4	Special Government Pleader
For Respondents	: No appearance
5 and 6	
For Respondent-7	: Mr.S.Visvalingam

O R D E R

The order of transfer, dated 3.9.2011 is under challenge in this Writ Petition. Further direction is sought for to consider the name of the Writ Petitioner for promotion to the post of B.T.Assistant English in the sixth respondent Panchayat Union Middle School at Kabeer Nagar, Madurai East Union, Madurai - 625 020.

2.On a perusal of the impugned transfer order, dated 3.9.2011, the 7th respondent/ B.T.Assistant English was transferred from Panchayat Union Middle School, Thonthilingapuram, Kottampatti Union, Madurai District to Panchayat Union Middle School, Kabeer Nagar, Madurai East. The transfer order issued transferring the 7th respondent is under challenge in this Writ Petition.

3.This Court is of an opinion that the Writ Petitioner is absolutely unconnected in respect of the transfer order issued against the 7th respondent. This apart, 7th r4espondent had already joined in the transferred place at Madurai East and serving for the past more than seven years. Under these circumstances, transfer order implemented in the year 2011 need not be interfered with. The Writ Petitioner has not established any legal ground for quashing the impugned order of transfer. Probably, the Writ



Petitioner would have challenged the transfer order on the ground that she must be promoted to the Post of B.T.Assistant in the Panchayat Union Middle School, Kabeer Nagar, Madurai East. Further, the transfer of a teacher from one school to another school cannot constitute a ground for another teacher to set aside the transfer order and promote her as B.T.Assistant in the said school. Such relief cannot be granted in respect of promotion. It is brought to the notice of this Court that panel for promotion during the relevant of time was prepared and the name of the Writ Petitioner was also included in the list. But no promotion was effected. The Panel became in-valid after a period of one year as per the rules of administration. If at all the authorities have taken a decision to grant promotion, then a fresh panel is to be prepared based on the rules in force.

4.Promotion can never be claimed as a matter of right. However, consideration is a right. Whenever the authorities competent have taken a decision to prepare a panel for promotion, then the names of all eligible persons are to be considered. Thus the Writ Petitioner has not made out any ground for grant of promotion. Further the name of the Petitioner was also considered and no promotion was granted to any candidate during the relevant point of time and whenever new panel is prepared, then the names of all eligible persons are to be considered including the name of the Petitioner.

5.In this view of the matter, the Writ Petitioner has not made out any legal ground so as to grant promotion as such sought for in this Writ Petition.

6.Accordingly, the Writ Petition stands dismissed. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petitions are dismissed.

Sd/-

Assistant Registrar(W)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary,
Government of Tamil Nadu,
Department of School Education,
Fort St.George,



2. The Director of Elementary Education,
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Chennai - 600 006.

3. The District Elementary Educational Officer,
Madurai, Madurai District.

4. The Assistant Elementary Educational Officer,
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6. The Headmaster,
Panchayat Union Middle School,
Kabeer Nagar,
Madurai East Union,
Madurai - 625 020.

+1cc to Mr.S.Viswalingam, Advocate Sr.No.58285

+1cc to Spl.Government Pleader Sr.No.59032

VSN

VB/KKR/SAR3/11.04.2018/4P/9C

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