

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :09.04.2019

CORAM

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

W.P.No.9864 of 2018

and

W.M.P.Nos.11789 and 11790 of 2018

M.Mariyayee

.. Petitioner

- Vs. -

1.The District Collector,
Namakkal District.

2.The Commissioner of Panchayat Union,
Mohanur,
Namakkal District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first respondent to give promotion to the petitioner as Noon Meal Organiser in Mohanur Panchayat Union, Namakkal District, in view of 25% ratio reserved for promotion for in-service candidates as laid down in G.O.Ms.No.163, dated 18.8.2010 of Social Welfare and Nutritious Scheme Department by considering the representation of the petitioner on 20.3.2018.

For Petitioner : Mr.S.Senthil

For Respondents : Mr.R.S.Selvam

Government Advocate

सत्यमेव जयते
O R D E R

The relief sought for in the present writ petition is for a direction to direct the first respondent to give promotion to the writ petitioner as Noon Meal Organiser in Mohanur Panchayat Union, Namakkal District, in view of 25% ratio reserved for promotion for in-service candidates as laid down in G.O.Ms.No.163, dated 18.8.2010 of Social Welfare and Nutritious Scheme Department by considering the representation submitted by the writ petitioner on 20.3.2018.

2. The direction sought for to grant promotion per se cannot be granted directly. Promotion can never be claimed as a matter of legal right.

3. However, consideration for promotion is a fundamental right of an employee. To fill up the higher post, administrative decision is to be taken by the competent authorities. In the event of taking a decision to fill up the post, then the authorities competent are bound to follow the procedures by preparing the panel of all the eligible candidates, who all are fit for promotion to the post of Noon Meal Organizer with reference to the terms and conditions stipulated in G.O.Ms.No.163, Social Welfare and Nutritious Scheme Department, dated 18.8.2010.

4. However, this Court cannot issue a direction to promote the writ petitioner as Noon Meal Organizer in Mohanur Panchayat Union, Namakkal District. The process of promotion and the Rules relating to the promotion are to be followed scrupulously by the authorities competent. If any administrative decision is taken to fill up the post for the grant of promotion, then the authorities competent shall consider all other eligible candidates, including that of the writ petitioner and accordingly, proceed with the promotion process.

5. With the above observations, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar (AD-IV)

//True Copy//

Sub Assistant Registrar

Pns

To

1.The District Collector, Namakkal District.

2.The Commissioner of Panchayat Union,
Mohanur, Namakkal District.

+1cc to M/s.S.Senthil, Advocate, S.R.No. 35413

+1cc to the Government Pleader, S.R.No. 35022

W.P.No.9864 of 2018
and

W.M.P.Nos.11789 and 11790 of 2018

GN(20/05/2019)