

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :11.01.2019

CORAM

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

W.P.No.27674 of 2005
and
W.P.M.P.No.42482 of 2005

Ushakumari.T

..Petitioner

vs

1.The Commissioner,
Corporation of Chennai,
(Education Department)
Chennai - 600 003.

2.M.Sukumar Chandra Bose
Assistant Educational Officer,
(Doing duty)
Corporation of Chennai
(Education Department)
Chennai - 600 003.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the first respondent in his proceedings in Ka.Thu.Na.Ka.No.E.15212/2005, dated 20.07.2005 and quash the same;only in respect of the second respondent and further direct the first respondent to promote the petitioner as Assistant Education Officer.

For Petitioner : Mr.K.Perumal

For Respondents: No appearance for R1
Mr.M.Thomas Aquinas for R2

O R D E R

The matter was listed on 14.12.2018, the learned counsel appearing on behalf of the writ petitioner made a request for an adjournment for the purpose of getting instructions from the writ petitioner. Accordingly, the case was adjourned to 02.01.2019. On that day also, the very same representation was made and once again, the case was directed to be listed on 04.01.2019. The case was listed on 04.01.2019, and there was a

representation that the instructions are yet to be received. When the matter is posted today on 11.01.2019, then also there is no response from the learned counsel appearing on behalf of the writ petitioners. There is no cooperation from the learned counsel appearing on behalf of the writ petitioner to get along with the matter.

2.The learned counsel appearing on behalf of the respondents is also not present. In view of the fact that none of the learned counsels appearing for the lis on hand is ready and willing to argue the matter, this Court has no option, but to decide the matter on merits.

3.The relief sought for in the writ petition is to call for the records in pursuant to the orders of the first respondent in proceedings dated 20.07.2005 and quash the same and to promote the writ petitioner as Assistant Education Officer.

4.First of all, the writ petition itself was filed on 25th August 2005 and the age of the writ petitioner during the relevant point of time was 56 years. Now, the petitioner would be aged about 69 years. This apart, the order impugned states that on administrative grounds, certain officials were granted with full additional charge to the Post of Headmaster. As far as the petitioner is concerned, the impugned order has not been served to her. This apart, the order under challenge is in relation to the appointment of some persons as full additional charge for the Post of Headmistress, Assistant Educational Officer. Appointing an officer on additional charge will not confer any right on them. Regular promotions are to be made only by following the rules in force and in accordance with the seniority of the respective officials concerned. Thus, mere appointing an officer as an additional charge will not confer any right on the employee to claim promotion and now after a lapse of about 13 years and the writ petitioner would have retired long back, this Court is of an opinion that further consideration of the claim raised in the present writ petition deserves no merit consideration.

5.Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1.The Commissioner,
Corporation of Chennai,
(Education Department)
Chennai - 600 003.

2.M.Sukumar Chandra Bose
Assistant Educational Officer,
(Doing duty)
Corporation of Chennai
(Education Department)
Chennai - 600 003.

W.P.No.27674 of 2005

RSI (CO)
SP(11/02/2019)