

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 04-03-2019

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

W.P.No.3142 of 2019
And
W.M.P.No.3406 of 2019

K.Nanjappan

..Petitioner

- Vs. -

- 1.The State of Tamil Nadu,
Represented by its Secretary,
Department of Health and Family Welfare,
Fort St. George,
Chennai-9.
- 2.The Director,
Directorate of Medical Services,
Teynampet, Chennai.
- 3.The Director,
Directorate of Medical Education,
Kilpauk, Chennai-10.
- 4.The Pharmacy Council of India,
Represented by its Secretary,
NBCC Centre, 3rd Floor,
Plot No.2, Community Centre,
Maa Anandamai Marg,
Okhala Phase-I,
New Delhi-110 002.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the third respondent to include the petitioner's name in the panel for the post of Assistant Professor based on his qualification prescribed by the fourth respondent in the Regulations issued under 'Minimum qualification for Teachers in Pharmacy Institutions Regulations, 2014'.

For Petitioner : Mr.G.Thalaimutharasu

For Respondents-1&2 : Mrs.P.Rajalakshmi,
Additional Government Pleader.

For Respondent-3 : Mr.V.Kathirvelu,
Special Government Pleader.

O R D E R

The relief sought for in the present writ petition is for a direction to direct the third respondent to include the name of the writ petitioner in the panel for the post of Assistant Professor based on his qualification prescribed by the fourth respondent in the regulations issued under 'Minimum qualification for Teachers in Pharmacy Institutions Regulations, 2014'.

2. Promotion, per se, cannot be claimed as a matter of legal right. However, consideration for promotion is a fundamental right of an employee. All the eligible employees are to be considered for promotion at the time of preparing panel in accordance with the Rules in force.

3. The grievance of the writ petitioner is that his name has not been included in the panel for promotion to the post of Assistant Professor. Thus, this Court is of an opinion that whenever a panel of promotion for all the eligible persons, who all are fit for promotion to the post of Assistant Professor is prepared, the name of the writ petitioner also is to be considered along with all other eligible persons, who all are waiting for promotion to the post of Assistant Professor.

4. However, the direction to direct the respondents to include the name of the writ petitioner in the panel for promotion to the post of Assistant Professor, cannot be issued in view of the fact that all the eligibility criteria, educational qualifications and other aspects are to be verified by the competent authorities with reference to the rules in force. Such an exercise cannot be done by the authorities competent in view of the fact that the writ petitioner has not challenged any panel nor challenged any order of promotion.

5. This being the factum, the authorities competent shall consider the case of the writ petitioner along with all other eligible persons, who all are waiting for promotion to the post of Assistant Professor with reference to the Rules in force.

6. With the above 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

Svn

To

1.The Secretary,
State of Tamil Nadu,
Department of Health and Family Welfare,
Fort St. George,
Chennai-9.

2.The Director,
Directorate of Medical Services,
Teynampet,
Chennai.

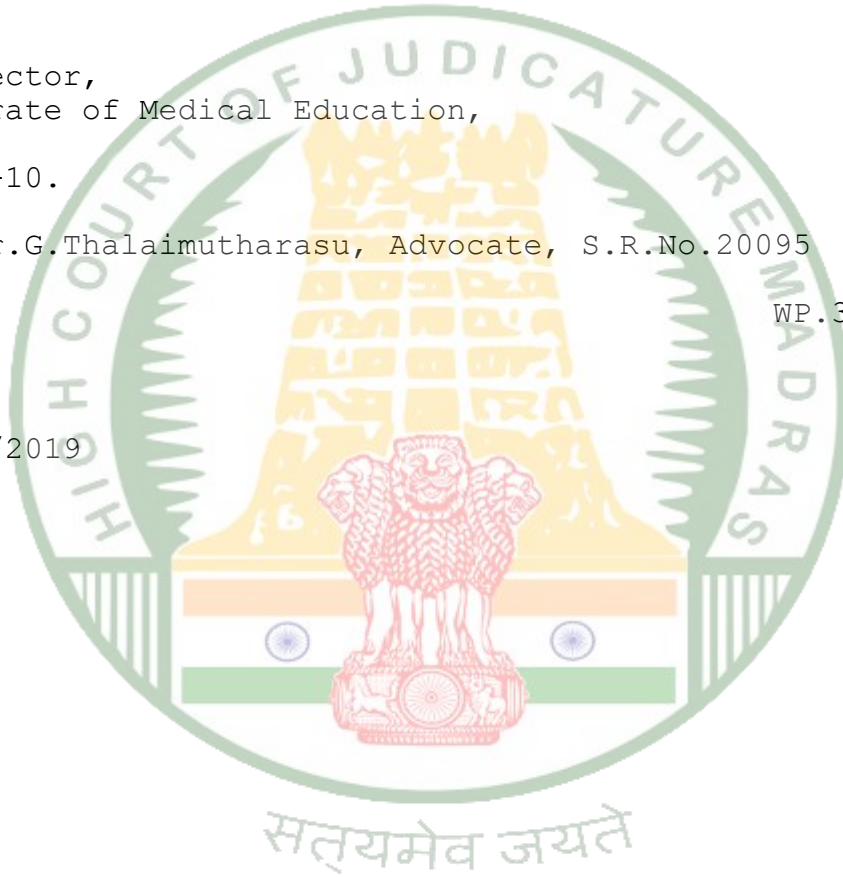
3.The Director,
Directorate of Medical Education,
Kilpauk,
Chennai-10.

+1cc to Mr.G.Thalaimutharasu, Advocate, S.R.No.20095

WP.3142 of 2019

EV(CO)

rrs 26/03/2019



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