

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :14.02.2019

CORAM

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

W.P.No.7379 of 2018

J.Madhavi

..Petitioner

vs

1.The Secretary to Government,
Government of Tamil Nadu,
Municipal Administration and Water Supply Department
Secretariat, Fort St.George,
Chennai - 600 009

2.The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai - 600 003.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to promoting the petitioner to the Post of Junior Engineer(Civil) by considering the petitioner's representation dated 15.12.2016.

For Petitioner : Mr.R.Jayaprakash

For Ist Respondents : Mr.R.S.Selvam
Government Advocate

For 2nd Respondent : Mr.R.Arunmozhi

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O R D E R

The relief sought for in the present writ petition is for a direction to direct the respondents to promote the petitioner to the Post of Junior Engineer(Civil) by considering the petitioner's representation dated 15.12.2016.

2.Promotions can never be claimed as a matter of right. However, consideration for promotion is a fundamental right of

an employee. All eligible employees, who all are aspiring to secure promotion must be considered at the time of undertaking the process of preparation of panel by the competent authorities. However, promotion perse is not a right of an employee. This being the legal principles to to adopted, the very relief sought for in the present writ petition to direct the respondents to promote the petitioner to the Post of Junior Engineer(Civil) cannot be considered in the present writ petition.

3.This apart, the learned counsel appearing both for the 1st respondent and 2nd respondent made a submission that the writ petitioner is not qualified for promotion to the Post of Junior Engineer(Civil) as he possess the Degree obtained from the Open University, which is not a valid Degree in view of the legal principles settled by the Hon'ble Supreme Court of India in the case of Annamalai University Vs. Secretary to Government, Information and Tourism Department reported in 2009 (4) SCC 590.

4.Thus, the Degree obtained through the Open University is an invalid one and no public employment or promotion can be provided based on the Open University Degree.

5.This being the legal principles, this Court is of an opinion that the relief as such sought for cannot be granted. If at all, the writ petitioner is qualified by acquiring any subsequent Degree, his case can be considered with reference to the rules in force whenever the process of promotion is undertaken.

6.Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

1.The Secretary to Government,
Government of Tamil Nadu,
Municipal Administration and Water Supply Department
Secretariat, Fort St.George,
Chennai - 600 009

2.The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai - 600 003.

+1cc to Mr.R.Arunmozhi, Advocate sr.no.13610
+1cc to Mr.R.Jayaprakash, Advocate sr.no.13903

W.P.No.7379 of 2018

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nr 18/03/2019



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