

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :28.03.2019

CORAM

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

W.P.No.8711 of 2019  
and  
W.M.P.No.9272 of 2019

Dr.P.V.Bose

...Petitioner

vs

1.The Vice Chairman Cum  
Secretary to Government(Art & Culture)  
Government of Puducherry  
Puducherry.

2.The Member Secretary,  
Bharathiar Palkalaikoodam,  
Cuddalore Main Road, Ariyankuppam,  
Puducherry.

3.The Registrar,  
Pondicherry University,  
R.V.Nagar, Kalapet,  
Puducherry - 605 014.

4.University Grants Commission,  
Represented by its Secretary,  
Bahadur Shah Zafar Marg,  
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 1<sup>st</sup> respondent to forthwith initiate process for appointment of regular principal by following the UGC Regulations and Government of Puducherry, Department of Higher and Technical Education, Group "A" Gazetted post of "Principal" Recruitment Rules 2015, by considering the name of the petitioner for the post of regular principal in the 2<sup>nd</sup> respondent institution after and pass such further or other orders as it may deem fit and thus render justice.

For Petitioner : Mr.Saravana Sowmiyan P.

For Respondents : Mr.A.V.Ramalingam  
Additional Government Pleader  
(Puducherry) for R1

M/s.A.V.Bharathi for R3

#### O R D E R

The relief sought for in the present writ petition is for a direction to direct the 1<sup>st</sup> respondent to forthwith initiate process for appointment of regular Principal by following the UGC Regulations and Government of Puducherry, Department of Higher and Technical Education, Group "A" Gazetted post of "Principal" Recruitment Rules 2015, by considering the name of the petitioner for the post of regular Principal in the 2<sup>nd</sup> respondent institution.

2.Admittedly, the writ petitioner is now serving as Assistant Professor in the 2<sup>nd</sup> respondent / Puducherry University.

3.The learned counsel for the writ petitioner states that the writ petitioner is serving in the same Post of Assistant Professor for long years and therefore, his case should be considered for promotion to the Post of Principal.

4.This Court is of the considered opinion that the Post of Principal is to be filled up strictly in accordance with the rules in force. If at all, the writ petitioner is qualified in accordance with the rules, his name also, is to be considered along with all other eligible candidates at the time of preparation of panel and not otherwise.

5.Promotion Per-se cannot be claimed as a matter of legal right. Promotions or appointments are to be provided by following the procedures as contemplated under the Rules. However, consideration for promotion or appointment is the right of an employee. In the event of issuing a notification for appointment or preparation of panel for promotion, the case of all the eligible candidates, who all are aspiring to secure appointment or promotion are to be considered.

6.The relief as such sought for in the present writ petition is not only premature, the writ petitioner has not established even a semblance of legal right, so as to consider the relief as such sought for in the present writ petition. If at all any illegal appointments or violations are made by the

writ petitioner, then alone, the writ petitioner would get cause of action for the purpose of approaching the Court of Law.

7. With these observations, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar (CS III)

//True Copy//

Sub Assistant Registrar

To

1. The Vice Chairman Cum  
Secretary to Government (Art & Culture)  
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Puducherry.

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Puducherry.

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R.V. Nagar, Kalapet,  
Puducherry - 605 014.

4. The Secretary,  
University Grants Commission,  
Bahadur Shah Zafar Marg,  
New Delhi - 110 002.

+1cc to Mr. P. Saravan Sowmiyan, Advocate, S.R.No.29676

+1cc to Mr. A. V. Bharathi, Advocate, S.R.No.29680

+1cc to the Government Pleader, S.R.No.29576

W.P.No.8711 of 2019

NP (CO)

RRS (23/04/2019)