

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 18.02.2019

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.12709 of 2018

R.Thangamani

... Petitioner

..Vs..

1. The Director,
Elementary Education,
DPI, College Road, Chennai.
 2. The District Elementary Education Officer,
District Collectorate Campus, Salem,
Salem District.
 3. The Assistant Elementary Education Officer,
Tharamangalam, Omalur Taluk,
Salem District.
- Respondents

PRAYER :

Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to draw an individual seniority list for the post of B.T.Assistant (Tamil) by including the petitioner's name for the academic year of 2018-2019 by considering the petitioner's representations dated 04.05.2018.

For Petitioner : Mr.S.Kumaresan

For Respondents : Mrs.P.Kavitha
Government Advocate

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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 draw an individual seniority list for the post of B.T.Assistant (Tamil) by including the petitioner's name for the academic year of 2018-2019 by considering the petitioner's representations dated 04.05.2018.

2. The legal principles to be adopted by the Competent Authorities are that promotion can never be claimed as a matter of legal right. However, consideration for promotion is a fundamental right of an employee. All eligible persons are to be considered for promotion, at the time of preparation of panel of persons who all are fit for promotion and qualified. Thus, promotion per se, cannot be a right of an employee and the Competent Authorities at the time of undertaking the process of preparation of panel is bound to consider the names of all the eligible persons, who all are aspiring to secure the promotion with reference to the promotion Rules in force.

3. The very prayer coined in the present writ petition is misconceived. There cannot be any individual seniority list as prayed for. Seniority list of all the employees to be prepared and only by preparing an approved panel, promotions are to be given with reference to the Rules in force.

4. Thus, submission of representation would not confer any right on the writ petitioner to seek revision of seniority or promotion. Promotions are to be given strictly in accordance with Rules and the Authorities cannot violate the Rules in force. In this view of the matter, if at all the writ petitioner is fully eligible and qualified, his case also is to be considered along with all other eligible persons at the time of taking a decision for preparation of panel and for grant of promotion.

5. With these observations, the writ petition stands dismissed. No Costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

Pkn

To

1. The Director,
Elementary Education,
DPI, College Road, Chennai.
2. The District Elementary Education Officer,
District Collectorate Campus, Salem,
Salem District.

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3. The Assistant Elementary Education Officer,
Tharamangalam, Omalur Taluk,
Salem District.

+1cc to Mr.S.Kumaresan, Advocate, S.R.No.14535
+1cc to the Government Pleader, S.R.No.15559

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RR(CO)
CS/29/03/2019



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