

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.12992 of 2019

WMP.Nos.13136 & 13141 of 2019

B.J.Latha

.. Petitioner

Vs.

1. The Chief Educational Officer,  
Thiruvallur District,  
Thiruvallur.
2. The District Educational Officer,  
Ponneri,  
Thiruvallur District.
3. The Block Educational Officer-II  
Gummudipoondi Union,  
Thiruvallur District.

.. Respondents

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus to direct the respondents to consider the representation submitted by the petitioner 01.03.2019 for promotion to the post of Middle School Headmaster in the vacancy arose in the panel year 2018 in operation of the 2018 panel approved by the District Elementary Educational Officer, Thiruvallur District dated 31.05.2018, within a time frame to be fixed by this Court.

For Petitioner : Mr.G.Sankaran  
For Respondents : Mr.V.Annalakshmi  
Government Advocate.

O R D E R

The relief sought for in the present writ petition is for a direction to the respondents to consider the representation submitted by the writ petitioner on 01.03.2019 for promotion to the post of Middle School Headmaster in the vacancy arose in the panel year 2018 approved by the District Elementary Educational Officer, Thiruvallur District dated 31.05.2018.

2. The 'dispose of the representation' mantra is increasingly permeating the judicial process in the High Courts and the Tribunals. Such orders may make for a quick or easy disposal of cases in overburdened adjudicatory institutions. But, they do no service to the cause of justice. The litigant is back again before this Court.

3. In the present case on hand, the writ petitioner was appointed as Secondary Grade Teacher on 04.01.1989 in Elementary Education and he was subsequently promoted to the post of Primary School Headmaster on 30.05.2009. The petitioner was further promoted to the post of BT Assistant(Tamil) on 14.12.2012. The next avenue of promotion is to the post of Middle School Headmaster.

4. The learned counsel for the writ petitioner states that the writ petitioner is fully qualified and eligible for promotion to the post of Middle School Headmaster. His name was included in the approved panel dated 31.05.2018.

5. The grievance of the writ petitioner is that though vacancies are available in the post of Middle School Headmaster, the entire panel has not been exhausted by the authorities competent. Thus, the writ petitioner is not in a position to secure his promotion to the post of Middle School Headmaster. In this regard, he has submitted a representation to the authorities on 01.03.2019 and the said representation is yet to be considered. Under these circumstances, the writ petitioner is constrained to move the present writ petition.

6. Promotional posts cannot be claimed as a matter of right. Promotion is a fundamental right of all the employees. All the eligible persons who are all aspiring to secure appointments or promotions are to be considered at the time of preparation of panel by the competent authorities. In other words, all the eligible employees are to be considered in accordance with the rules, at the time of preparation of panel for promotion to the higher posts. However, mere inclusion of the name in the panel would not confer any right on the employees to secure promotion.

7. Promotions are to be given based on the eligibility and as per the rules in force.

8. In the present case on hand, the grievance of the writ petitioner is that posts are available and the writ petitioner is eligible and his name has already been included in the panel and therefore, his representation to be considered for granting the promotion to the post of Middle School Headmaster.

9. This Court is of the considered opinion that filling up of the posts or the estimated vacancies, are the administrative decision of the competent authorities. In other words, it is an administrative prerogative of the State to fill up the estimated vacancies. The employees cannot enter into such administrative decisions and they have no right to interfere with the same.

10. For instance, at the time of preparation of panel, if the authorities competent arrive at the estimated vacancies of 100 posts, the authorities after the preparation of the panel filled all the 100 posts as per the vacancy position, they may reduce the filling up of the posts or increasing the filling up of the posts, if more number of vacancies arose during the life time of the approved panel.

11. This being the factum, promotional panel is valid for one year and during the period of one year, the vacancies may increase or decrease and the authorities may decide to appoint the filling up the limited number of posts and all such decisions are administrative prerogative and the writ petitioner cannot claim that he should be promoted, in view of the fact that his name was included in the approved panel.

12. Mere inclusion of name in the approved panel would not confer any right on the employee to file a writ petition and to seek a direction to grant promotions by considering the representations submitted in this regard. Such claims cannot be entertained as the employee has no right in respect of grant of promotions merely on the ground that his/her name is included in the panel. Only in the event of violation of the rules or if any of the juniors are promoted from the panel then alone the employee can approach the Court of law for redressing his grievances and not otherwise.

13. This being the factum and principles to be followed, in the present writ petition, 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.

14. Accordingly, the writ petition stands dismissed. No costs.

-s/d-

Assistant Registrar

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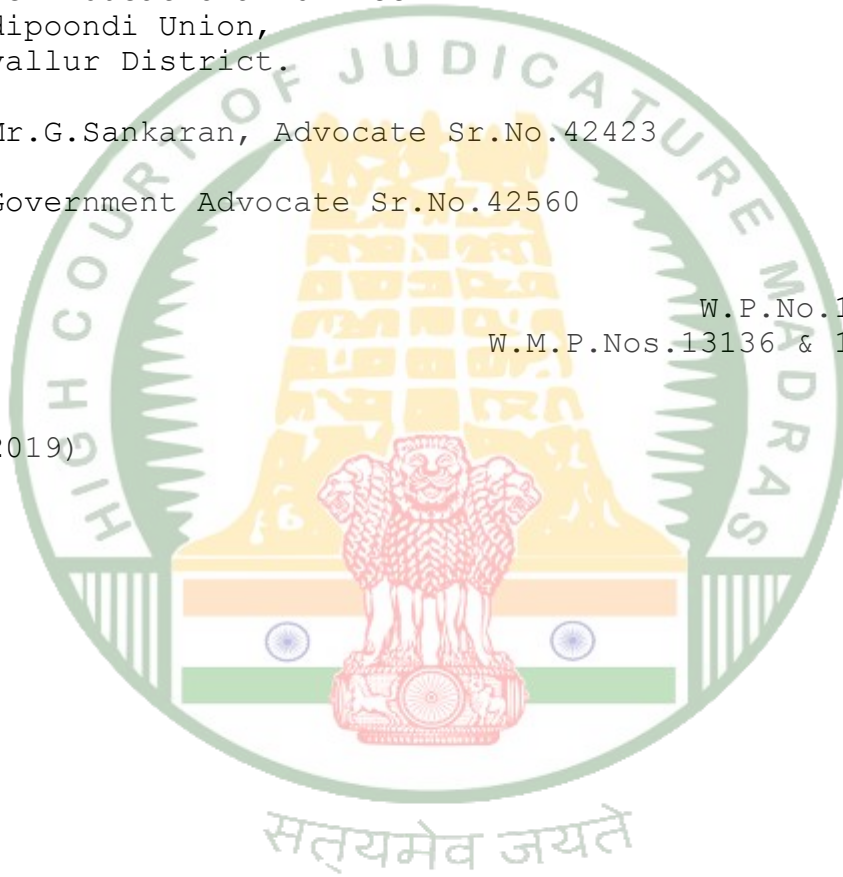
Sub-Assistant Registrar

To

1. The Chief Educational Officer,  
Thiruvallur District,  
Thiruvallur.
  2. The District Educational Officer,  
Ponneri,  
Thiruvallur District.
  3. The Block Educational Officer-II  
Gummudipoondi Union,  
Thiruvallur District.
- +1 CC to Mr.G.Sankaran, Advocate Sr.No.42423
- +1 CC to Government Advocate Sr.No.42560

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KP(10/06/2019)



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