

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26-04-2019

CORAM

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

W.P.No.26498 of 2018

Muruvammal

.. Petitioner

..Vs..

1.The Director,
Adi Dravidar Welfare,
Chepauk,
Chennai-600 005.

2.District Adi Dravidar Welfare,
Villupuram,
Villupuram District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to dispose the representation dated 26.5.2017.

For Petitioner : Mr.S.Raveendran

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

सत्यमेव जयते
O R D E R

The relief sought for in this writ petition is for a direction to direct the respondents to dispose of the representation submitted by the writ petitioner on 26.5.2017.

2. The learned counsel for the writ petitioner states that the writ petitioner is a Graduate Trained Teacher (Tamil) and however, posted as Secondary Grade Assistant.

3. Presently the writ petitioner is working as a Secondary Grade Assistant under the control of the second respondent.

4. The grievance of the writ petitioner is that her promotion to the post of B.T. Assistant was not given in accordance with seniority and as per Government Orders in force.

5. The learned counsel for the writ petitioner states that the Government Orders relating to promotion has not been followed by the respondents. However, the writ petitioner has not made any ground to show that her juniors were promoted and if at all her juniors were promoted, she should have challenged the order or would have taken appropriate action in this regard.

6. Promotion per se cannot be claimed as a matter of legal right. However, consideration for promotion is a fundamental right of an employee. All eligible persons, who all are waiting for promotion are to be considered in the order of their seniority and as per the Government Orders in force. Thus, the case of the writ petitioner is to be considered in accordance with seniority and as per the Government Orders in force.

7. This being the principles to be followed, the case of the writ petitioner is to be considered with reference to her seniority and as per the Government Orders in force.

8. The learned Government Advocate appearing on behalf of the respondents states that the writ petitioner has not reached his seniority for the purpose of grant of promotion and in this regard, paragraph-8 of the counter-affidavit is extracted as under:-

"8. It is respectfully submitted that in the latest seniority list, it is learnt that the name of the petitioner is at serial number 18 and 17 eligible persons are there before the name of the petitioner for promotion to the post of B.T. Assistant (Tamil). Therefore the claim of the petitioner for promotion to the post of B.T. Assistant (Tamil) is not to be considered, since there are only 3 vacancies of B.T. Assistant (Tamil) in the unit of the Villupuram District."

9. In view of the facts and circumstances of the case, the case of the writ petitioner is to be considered in accordance with the Rules in force as well as with reference to her seniority.

10. With the above observations, the writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-
Assistant Registrar (CS-III)

//True copy//

Sub Assistant Registrar

Svn

To

1.The Director,
Adi Dravidar Welfare,
Chepauk,
Chennai-600 005.

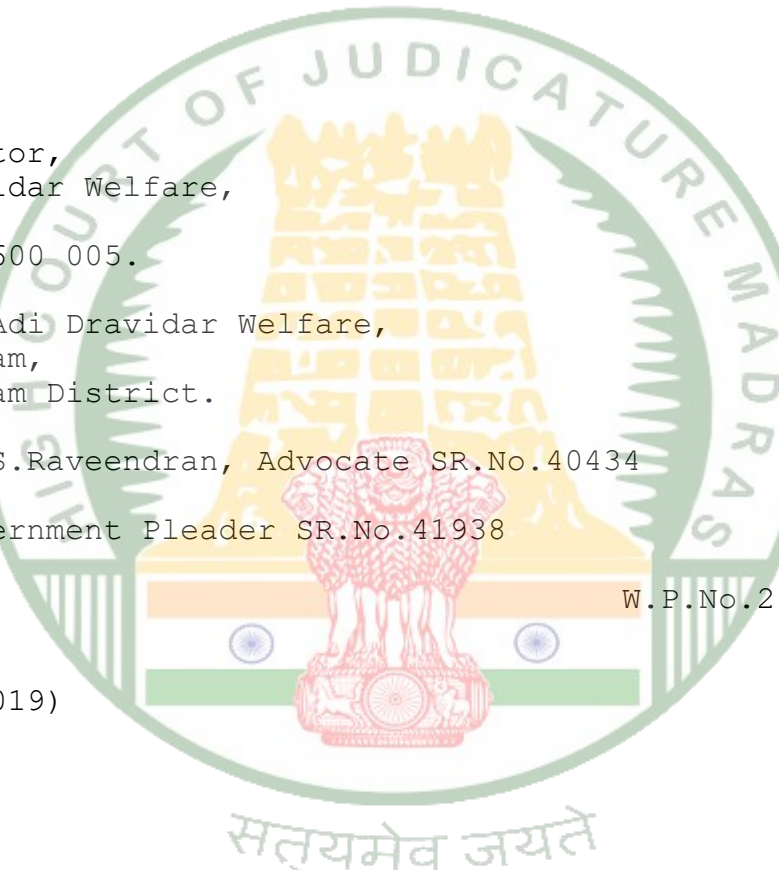
2.District Adi Dravidar Welfare,
Villupuram,
Villupuram District.

+1cc to Mr.S.Raveendran, Advocate SR.No.40434

+1cc to Government Pleader SR.No.41938

W.P.No.26498 of 2018

SKV (CO)
GMY (06/06/2019)



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