

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2019

CORAM

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

W.P.No.26128 of 2018

All District Institute of Education and Training
Educators Association
No.181, Ganapathy Nagar
Thiruvanaikaval, Thiruchirapalli-5.
Rep by its General Secretary K.Prakash

..Petitioner

vs

- 1.The Government of India
Rep by its Secretary to Government
Ministry of Human Resource Development
Department of School Education and Literacy
Shastri Bhavan, New Delhi - 110 015.
- 2.The State of Tamil Nadu
Rep by its Principal Secretary to Government
School Education Department
Secretariat, Fort St. George
Chennai - 600 009.
- 3.The Director
State Council of Educational Research and Training
DPI Campus, College Road
Chennai - 600 006.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to fill up the post of Director, Joint Director and Professor in State Council of Educational Research and Training in accordance with qualification of appointment prescribed in G.O. (1D) No. 98 School Education (U1) Department dated 13.08.1997 and G.O. Ms. No. 133 School Education Department dated 14.06.2007 without any deviation and consequently considering the petitioners working in the post of Principal in District Institute of Education Training for promotion up to the level of Director of State Council of Educational, Research and Training based on eligibility and seniority as per the Rules by considering the representation submitted by the petitioner

association dated 12.12.2017 within a time frame to be fixed by this Hon'ble Court.

For Petitioner : Mr.S.Neduchezhiyan

For Respondents : M/s.P.Kavitha
Government Advocate

O R D E R

The relief sought for in the present writ petition is for a direction to direct the respondents to fill up the post of Director, Joint Director and Professor in State Council of Educational Research and Training in accordance with qualification of appointment prescribed in G.O. (1D) No. 98 School Education (U1) Department dated 13.08.1997 and G.O. Ms. No. 133 School Education Department dated 14.06.2007 without any deviation and consequently considering the petitioners working in the post of Principal in District Institute of Education Training for promotion up to the level of Director of State Council of Educational, Research and Training based on eligibility and seniority as per the Rules by considering the representation submitted by the petitioner association dated 12.12.2017.

2.The relief sought for in the present writ petition is absolutely misconceived. The petitioner association cannot seek a direction to fill up the post of Director, Joint Director and Professor. Filling up of the public post is an administrative prerogative and the competent authority has to take a decision to fill up the post. In the event of taking any such decision to fill up the post, the authorities competent are bound to follow the rules and by considering all the eligible candidates who are all qualified for aspiring those posts. Contrarily, an association cannot make a representation for a direction to direct the respondent to fill up the post of Director, Joint Director and Professor. The associations are functioning for the welfare of the employees working in the department. The association can make a representation to the authorities for the purpose of issuing a direction to fill up the post of Director, Joint Director and Professor. If at all the decision is taken and a panel is prepared the respondents are bound to follow the order of seniority .

3.This being the principles to be followed, the writ petitioner has failed to establish even a semblance of legal right so as to grant the relief as such sought for in this writ petition.

4. Accordingly, this writ petition stands dismissed. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

may

To

1. The Secretary to Government
Ministry of Human Resource Development
Department of School Education and Literacy
Shastri Bhavan, New Delhi - 110 015.
 2. The Principal Secretary to Government
School Education Department
Secretariat, Fort St. George
Chennai - 600 009.
 3. The Director
State Council of Educational Research and Training
DPI Campus, College Road
Chennai - 600 006.
- +1cc to Mr.G.Sankaran, Advocate, S.R.No. 27172
+1cc to the Government Pleader, S.R.No. 27983

W.P.No.26128 of 2018

GJ II(CO)
GN(26/04/2019)

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