

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 05.08.2019

CORAM:

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**

WEB COPY

W.P.(MD)No.16828 of 2012**and****M.P.(MD) .No.2 of 2012****and****M.P.(MD) .No.1 of 2013**

Florance Rajammal

... Petitioner

Vs.

1.The Director of School Education,
College Road, Chennai-600 006.2.The Joint Director of School Education,
College Road, Chennai-600 006.3.The Chief Educational Officer,
Tuticorin.4.The District Education Officer,
Kovilpatti.5.Hindu Nadar Higher Secondary School,
Rep by its Secretary,
Kadambur,
Tuticorin District.

... Respondents

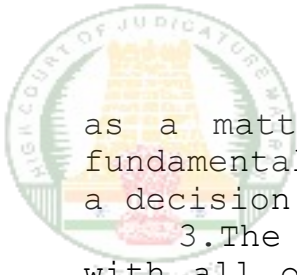
PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the third respondent to consider the representation given by the petitioner dated 01.06.2009 and to promote her as Post Graduate Assistant in Commerce in the 5th respondent School.

For Petitioner	: Mr.P.Pethu Rajesh
For R1 to R4	: Mrs.S.Srimathy Special Government Pleader
For R5	: No appearance

ORDER

The relief sought for in the present writ petition is for a direction to direct the third respondent to consider the representation given by the writ petitioner, dated 01.06.2009 and to promote her to the post of Post Graduate Assistant in Commerce in the fifth respondent school.

<https://hcservices.ecourts.gov.in/hcservices/> 2.The respondent School is an aided School. The writ petitioner seeks promotion, based on her representation. This Court is of the considered opinion that promotion per se cannot be claimed



as a matter of right, however consideration for promotion is a fundamental right of an employee only when the management have taken a decision to fill up the post.

3.The case of the writ petitioner is to be considered all along with all other eligible candidates, who all are aspiring to secure promotion. Thus, the writ petitioner cannot seek a direction for promotion based on her representation. Undoubtedly, the process of selection is to be conducted with reference to the provisions of the Tamil Nadu Recognized Private Schools (Regulation) Act and Rule and as per the guidelines issued by the Government.

4.The learned Special Government Pleader appearing on behalf of the respondent Nos.1 to 4 made a submission that the writ petitioner was retired from service during the year 2018 and she was given the benefit of scale of pay attached to the post of B.T. Assistant.

5.In view of the fact that the case of the writ petitioner was considered for grant of equivalent scale of pay as applicable to the post of B.T.Assistant and she has already retired from service, no further consideration is required and if at all any grievance exists to the writ petitioner, it is left open to her to redress the same in the manner known to law.

6.With the above direction, this writ petition stands disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-III)

/TRUE COPY/

Sub Assistant Registrar

To

- 1.The Director of School Education,
College Road, Chennai-600 006.
- 2.The Joint Director of School Education,
College Road, Chennai-600 006.
- 3.The Chief Educational Officer,
Tuticorin.
- 4.The District Education Officer,
Kovilpatti.

+1 CC to M/s.SPL GP (SR-79936[F] dated 06/08/2019)

W.P. (MD) No.16828 of 2012

and

M.P. (MD) .No.2 of 2012

and

M.P. (MD) .No.1 of 2013

05.08.2019