



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.07.2019

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P[MD]No.7639 of 2012

and

M.P.[MD]No.2 of 2012

WEB COPY

Tamil Nadu Higher Secondary Schools Post
Graduate Commerce Vocational Teachers Association,
Rep. by its President,
M.Rajaram,
111, TNTUC Colony,
Pethaniapuram,
Madurai.

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Education Department,
Fort St. George,
Chennai - 600 009.
- 2.The Director of School
Education (Higher Secondary),
DPI Complex, College Road,
Chennai - 600 006.
- 3.The Joint Director of School Education,
(Higher Secondary),
DPI Complex, College Road,
Chennai - 600 006.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, callign for the records relating to the impugned proceedings of the third respondent in Na.Ka.No.32571/W3/E2/2012 dated 10.05.2012 and quash the same and consequently direct the respondents to prepare a panel for promotion by giving preference to the vocational instructors who possess under graduation degree and post graduation degree in the same subject (Commerce) while filling up the post of P.G.Assistant (Commerce) than to the non-preferential candidates who possess Under graduation and Post Graduation in different subjects or who possess post Graduation alone in commerce.



For Petitioner : Mr. AL. Kannan
For Respondents : Mrs. S. Srimathy
Special Government Pleader

O R D E R

The proceedings of the Joint Director of School Education (Higher Secondary), directing the subordinate officials to communicate the names of the eligible persons for the purpose of preparation of panel is under challenge in the present writ petition.

2. The writ petitioner is the Tamil Nadu Higher Secondary Schools Post Graduate Commerce Vocational Teachers Association. The Association cannot maintain the writ petition in respect of the promotions to be granted to the qualified persons. Promotions are the individual grievances. The impugned order is only a circular issued to the subordinate officials to send the particulars of the eligible persons for the purpose of preparation of panel for grant of promotion to the post of P.G. Assistant (Commerce).

3. Promotion *per se* cannot be claimed as a matter of right. However, consideration for promotion is a fundamental right of an employee. Thus, the employee aggrieved alone is competent to approach the authorities and thereafter approach the competent forum for the purpose of redressing his grievances. In respect of the present writ petition, the circular issued by the Joint Director would not provide any cause for the writ petitioner Association. Mere inviting particulars from the subordinate officials would not confer any right on the writ petitioner Association to file a writ petition for the purpose of regulating promotions. Only in the event of any illegality or irregularity in the promotions, the aggrieved persons can approach the Court of law and not an Association. The writ petitioner Association is no way connected with the individual promotions which all are to be considered strictly in accordance with the Rules at the time of undertaking the process of preparation of panel. The Association cannot have any right in respect of preparation of panel and the order of promotion which all are to be issued by the competent authorities by following the promotions and in accordance with the promotion rules.

4. The said proposition has been laid down by the Division Bench of this Court in the case of *Tamilaga Asiriyar Koottani* represented by the General Secretary Vs. *Annamalai, Chennai*, reported in (2005) 3 M.L.J. 252, in paragraph No. 15, which is extracted hereunder:

"In our opinion, if any educational institution or headmaster or teacher is aggrieved by the impugned G.O. Ms. No. 13, dated 09.02.2005, they can



file a writ petition in this Court challenging the same, but the appellant association had no locus standi in the matter. It cannot be said that the educational institutions or headmasters are so poor that they are unable to approach this Court. If any particular educational institution or headmaster has a grievance against the impugned G.O. Ms. No. 13, dated 9.2.2005, it is for such person to file a writ petition or writ appeal, and not for any association. The writ appeal is dismissed on the ground of lack of locus standi. The writ petition is dismissed for the same reason. W.A.M.P. No. 1384 of 2005 is dismissed."

5. Under these circumstances, the relief as such sought for cannot be considered, in view of the fact that the Association filed the present writ petition and further more, the impugned order is a circular for preparation of panel. Thus, there is no cause for entertaining the writ petition. Thus, the writ petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar (CS)

MR

To

1. The Secretary to Government,
State of Tamil Nadu, Education Department,
Fort St. George, Chennai - 600 009.
2. The Director of School
Education (Higher Secondary),
DPI Complex, College Road, Chennai - 600 006.
3. The Joint Director of School Education,
(Higher Secondary), DPI Complex, College Road,
Chennai - 600 006.

+1CC TO MR. AL. KANNAN, Advocate Sr. No. 79377

+1CC TO THE SPECIAL GOVERNMENT PLEADER SR. No. 79196

W.P [MD] No. 7639 of 2012

TR (19.08.2019) 3P 6C