



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.07.2019

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.8710 of 2012

and

W.P (MD) No.18277 of 2013

and

M.P (MD) No.2 of 2013

W.P (MD) No.8710 of 2012

S.Jasper David

... Petitioner

Vs.

1.The District Education Officer,
Nagercoil,
Kanyakumari District.

2.The Correspondent,
L.M.S.Higher Secondary School,
Kadamalaikundru,
Mekkamandapuram Post,
Kanyakumari District.

3.The Corporative Manager,
C.S.I,Diocese,
Nagercoil,
Kanyakumari District.

... Respondents

PRAYER: Writ Petitions under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to promote the petitioner to the post of Physical Director in the second respondent School as per rule 15 of Tamil Nadu Recognised Private Schools (Regulation) Rules based on his representation dated 01.06.2012 within a stipulated time as may be fixed by this Court.

For Petitioner : Mr.Jegadeesh Pandian
for M/s.K.J. Associates

For R1 : Mrs.S.Srimathy
Special Government Pleader

For R2 : No appearance



For R3

: Mr.P.Muthuvel
for M/s.Isaac Chambers**W.P(MD)No.18277 of 2013**

S.Jasper David

... Petitioner

Vs.

- 1.The District Education Officer,
Thuckaley Education District,
Thuckaley,
Kanyakumari District.
- 2.The Corporate Manager,
CSI Diocese,
Nagercoil,
Kanyakumari District.
- 3.The Correspondent and Secretary,
L.M.S.Higher Secondary School,
Kadamalaikundru,
Megamandapam Post,
Kanyakumari District.
- 4.The Head Master,
L.M.S.Higher Secondary School,
Kadamalaikundru,
Megamandapam Post,
Kanyakumari District.

5.G.Jothi Jeba

... Respondents

PRAYER: Writ Petitions under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the appointment of the fifth respondent dated 11.7.2012 issued by the second respondent in Ref:No.CM 4 A/2012 and quash the same and further direct the second and third respondents to promote the petitioner to the post of Physical Education Director in the fourth respondent school.

For Petitioner : Mr.N.Ananthapadmanaban

For R1 : Mrs.S.Srimathy
Special Government PleaderFor R2 to R4 : Mr.P.Muthuvel
for M/s.Isaac Chambers

For R5 : Mr.H.Thayumanaswamy

**COMMON ORDER**

The relief sought for in W.P(MD)No.8710 of 2012 is for a direction to the respondents to promote the petitioner to the post of Physical Director in the second respondent School as per rule 15 of Tamil Nadu Recognised Private Schools (Regulation) Rules based on his representation dated 01.06.2012.

2.The very relief as such sought for cannot be granted in view of the fact that the promotion can never be claimed as a matter of right. However, consideration for promotion is a fundamental right of an employee. In the present case on hand, the case of the writ petitioner was considered at the time of grant of promotion in the Management, which is minority school. However, the Management has chosen to promote some other person namely G.Jothi Jeba and her promotion was subsequently approved. This apart, the writ petitioner has already attained the age of superannuation and retired from service. This being the factum, the relief as such sought for deserves no merit consideration.

3.Accordingly, the writ petition in W.P.(MD)No.8710 of 2012 stands dismissed. No costs.

4.In view of the order passed in W.P.(MD)No.8710 of 2012, the writ petition in W.P(MD)No.18277 of 2013 stands closed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The District Education Officer, Nagercoil, Kanyakumari District.

2.The District Education Officer, Thuckaley Education District,
Thuckaley, Kanyakumari District.

+1 CC to M/s.ISAAC CHAMBERS, Advocate (SR-78498[F] dt.30/07/2019)

+1 CC to M/s.SPL GP (SR-78717[F] dated 30/07/2019)

W.P. (MD)No.8710 of 2012

and

W.P (MD)No.18277 of 2013

29.07.2019

Am

JMN(09.08.2019) 3P : 5C

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