



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) No.14609 of 2019

and

W.M.P.(MD) No.11042 of 2019

G.Latha Margaret

... Petitioner

vs.

1. The Director of Elementary Education  
Directorate of Elementary Education  
DPI Campus, Chennai-06

2. The District Educational Officer  
O/o.the District Educational Officer  
Dindigul, Dindigul District

3. The Block Educational Officer - I  
O/o.the Block Educational Officer -I  
Natham, Dindigul District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the respondent No.2 to promote the petitioner back to the post of B.T.Assistant (English) and post the petitioner at the vacant post of Panchayat Union Primary Middle School, Grumpapatti, Natham Union in Dindigul District by taking into consideration the reversion of the petitioner on administrative grounds due to up-gradation of the Panchayat Union Middle School, Chithirai Goundanpatti, as the Government High School, within a time stipulated by this Court.

For Petitioner : Mr.S.Louis

For Respondents: Mrs.S.Srimathi

Special Government Pleader

### O R D E R

The relief sought for in the present writ petition is for a direction to the second respondent to promote the writ petitioner back to the post of B.T.Assistant (English) and post her in the vacant post of Panchayat Union Primary Middle School, Grumpapatti, Natham Union, Dindigul District, by taking into consideration her reversion on administrative grounds due to upgradation of Panchayat Union Middle School, Chithirai Goundanpatti, as the Government High School.



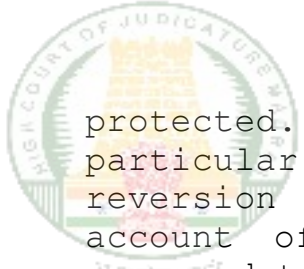
2. Promotion *per se* can never be claimed as a matter of legal right. So also, posting in a particular vacant post can also never be claimed as a matter of legal right. Promotions are to be granted strictly in accordance with the promotion rules in force. Transfer and posting are the administrative prerogative of the Department. The very relief sought for in the present writ petition to direct the respondents to promote the writ petitioner back to the post of B.T.Assistant (English) cannot be considered by this Court in a writ jurisdiction under Article 226 of the Constitution of India.

3. Further, the writ petitioner seeks for a direction to post her at the vacant post of Panchayat Union Primary Middle School, Grumpapatti, Natham Union, Dindigul District. This Court is surprised how a Government employee can seek for a direction to post him / her in a specific post in a specific School. Such an attitude can never be encouraged and the Teachers, who all are performing the noble profession are bound to work wherever they are posted and the decision regarding transfer and posting of a Teacher in particular post and place can never be decided by the High Court.

4. Promotions can be adjudicated in a writ proceedings, if there is any violation of promotion rules or if any junior to the writ petitioner was promoted over and above her, without any valid reason. In all other circumstances, the employee can never claim the promotion as a matter of right. However, consideration for promotion is a fundamental right of an employee. Thus, all the eligible persons, who all are aspiring to secure promotion, must be considering at the time of undertaking the process of preparation of panel for promotion to the higher post. However, the transfer and posting to a particular post and place cannot be claimed as a matter of legal right.

5. The writ petitioner states that she was promoted as B.T.Assistant (English) and posted at Panchayat Union Middle School, Chithirai Goundanpatti, Natham Union, Dindigul District. After nine months, the School was upgraded as Government High School and she was reverted as Secondary Grade Teacher and posted at Panchayat Union Primary School, Muslim Street, Natham Union, Dindigul District. The writ petitioner further states that she expressed her willingness to serve as B.T.Assistant (English) at the upgraded Government High School, Chithirai Goundanpatti, Natham Union, Dindigul District. However, the writ petitioner was posted at Panchayat Union Primary School, Muslim Street, Natham.

6. The reverting of the writ petitioner from B.T.Assistant (English) to Secondary Grade Teacher was purely on administrative grounds. her service conditions were not violated. The writ petitioner's rights regarding the service conditions are



protected. Thus, the writ petitioner cannot seek for any particular post or place as a matter of choice. When the reversion was issued on account of administrative reasons and on account of the fact that there was no vacancy available to accommodate, the case of the writ petitioner cannot be considered by this Court. However, in the event of availability of the vacancies, the case of the writ petitioner is also to be considered along with all other eligible candidates in accordance with law and by following the procedures contemplated. The writ petitioner states that though the vacancy arose in the post of B.T. Assistant in Panchayat Union Primary Middle School, Grumpapatti, Natham Union, Dindigul District, she was not accommodated. Such aspects are to be factually verified by the competent educational authorities and all suitable actions are to be initiated on merits and by following the procedures. However, this Court at this juncture cannot adjudicate the vacancy position or posting the writ petitioner in a particular place and post.

7. High Court would not entertain with the routine administration of the Departments. Certain administrative actions are initiated on administrative exigencies cannot be subjected to judicial review. If a reversion is imposed not by way of punishment and on account of non-availability of vacancy or on certain administrative grounds, then the employee has to wait for sometime for opportunity. This being the principles to be followed, the writ petitioner has not established any acceptable legal ground for issuing the direction as such sought for in the present writ petition. However, it is made clear the in the event of availability of vacancy, if any, then the cases of all the eligible persons are to be considered on merits and in the accordance with law and suitable actions are to be initiated by following the procedures. This being the principles to be followed, the relief as such sought for in the present writ petition cannot be considered by this Court.

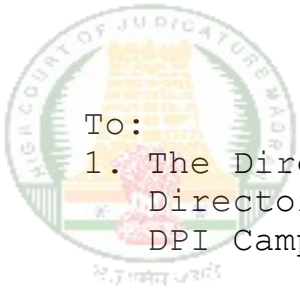
8. With these observations, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

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Sub Assistant Registrar (CS)



To:

1. The Director of Elementary Education,  
Directorate of Elementary Education,  
DPI Campus, Chennai-06.
2. The District Educational Officer,  
O/o.the District Educational Officer,  
Dindigul, Dindigul District.
3. The Block Educational Officer - I,  
O/o.the Block Educational Officer -I,  
Natham, Dindigul District.

+ 1 CC TO Mr.S.Louis, ADVOCATE IN SR No.72573  
+ 1 CC to The Special Government Pleader SR.No.72757

**W.P. (MD) No.14609 of 2019**  
**and**  
**W.M.P. (MD) No.11042 of 2019**

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