



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.06.2019

CORAM:

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P. (MD) No.23568 of 2015

and

M.P. (MD) No.1 of 2015

D.Anandhi

... Petitioner

vs.

1. The Director
Department of Elementary Education
DPI Compound, College Road
Chennai-6

2. The Joint Director
Department of Elementary Education
DPI Compound, College Road
Chennai-6

3. The District Elementary Educational Officer
Theni District

4. The Assistant Elementary Educational Officer
Cumbam, Theni District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the Respondents consider the petitioner's claim and promote her in the post of B.T.Assistant, English at Municipal Middle School, Sungam Street, Cumbam, Theni District, within the light of seniority panel issued by the respondent No.3 dated 2.2.2015.

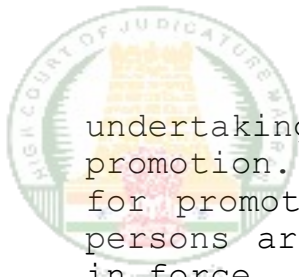
For Petitioner : Mr.Balu Rajasekaran
for Mr.R.Venkatesan

For Respondents : Mrs.S.Srimathy
Special Government Pleader

O R D E R

The relief sought for in the present writ petition is for a direction to the respondents to consider the writ petitioner's claim and promote her in the post of B.T.Assistant (English), at Municipal Middle School, Sungam Street, Cumbam, Theni District, with reference to the seniority panel, dated 02.02.2015, issued by the third respondent.

2. Promotion *per se* cannot be claimed as a matter of legal consideration for promotion is a fundamental right of an employee. All employees, who all are eligible and waiting for promotion, are to be considered by the competent authority, while



undertaking the process of preparation of panel and for grant of promotion. Thus, at the time of preparing the panel of persons fit for promotion to the higher posts, the names of all the eligible persons are to be considered with reference to the promotion rules in force.

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3. The learned counsel for the writ petitioner states that the name of the writ petitioner is already placed in the seniority list.

4. Under these circumstances, whenever the process of preparation of panel is undertaken by the respondents, the case of the writ petitioner should also be considered along with all other candidates, who all are aspiring and waiting for promotion to the higher posts. In other words, the authorities competent are bound to follow the procedures and promotion rules scrupulously, while considering the case of the eligible candidates.

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

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Director ,
Department of Elementary Education,
DPI Compound, College Road,
Chennai-6.

2. The Joint Director,
Department of Elementary Education,
DPI Compound, College Road,
Chennai-6.

3. The District Elementary Educational Officer,
Theni District.

4. The Assistant Elementary Educational Officer,
Cumbum, Theni District.

+1 CC to SPL GP (SR-71603[F] dated 26/06/2019)

+1 CC to Mr.R.VENKATESAN, Advocate (SR-71398[F] dated 26/06/2019)

W.P. (MD) No.23568 of 2015 and

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25.06.2019