

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 06.08.2019****CORAM:****THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM****W.P. (MD) No.14019 of 2014****WEB COPY**

S.Marimuthu

... Petitioner

Vs.

1. The Director of Collegiate Education,
College Road, Numgambakkam,
Chennai-600 006.
2. The Joint Director of Collegiate Education,
Madurai Region,
Madurai.
3. Saraswathi Narayanan College,
Rep by its Secretary,
Perungudi,
Madurai-625 022.

... Respondents

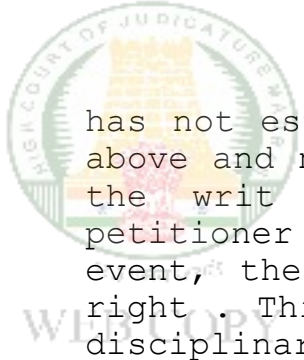
PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the 3rd respondent in Ref.No.116/SNC/SEC/2014, dated 24.07.2014, quash the same and direct the 3rd respondent to promote the petitioner as Assistant with effect from 01.02.2010 and as Superintendent with effect from 01.05.2010 as per Rule 11(4)(i) of the Tamil Nadu Private Colleges Regulation Rules.

For Petitioners	: Mr.R.Subramanian
For R1 & R2	: Mr.D.Muruganantham
	Additional Government Pleader
For R3	: Mr.M.E.Ilango

ORDER

The impugned order passed by the third respondent autonomous College dated 24.07.2014 states that the case of the writ petitioner was not considered for promotion to the post of Superintendent, on account of the fact that the Director of Collegiate Education has not granted any prior approval and further during the relevant point of time, the departmental disciplinary proceedings were pending against the petitioner. Thus, the case of the writ petitioner was not considered by the third respondent Management.

2.Undoubtedly, pendency of the departmental disciplinary proceedings is a bar for further promotion, as per the Government Order. Promotions can never be claimed as a matter of right. However, consideration for promotion is a right. The writ petitioner



has not established that any of his juniors were promoted over and above and no such persons has been impleaded as party respondent in the writ proceedings. In fact, the learned counsel for the petitioner admits the fact that nobody was promoted in such an event, the writ petitioner cannot claim promotion as a matter of right. This apart, the writ petitioner was facing the departmental disciplinary proceedings during the relevant point of time and the Director of Collegiate Education also had not accorded any prior approval to fill up in the third respondent college. Beyond all these grounds, the writ petitioner has not filed any appeal under the provision of the Tamil Nadu Private Colleges Regulation Rules and challenging the order impugned.

3. May that it be, the writ petitioner attained the age of superannuation and retired from service even at the time of filing of the writ petition. This being the factum, this Court cannot issue any direction to promote the writ petitioner as he was not qualified during the relevant point of time and further he was retired from service.

With the above observation, this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Director of Collegiate Education,
College Road, Numgambakkam,
Chennai-600 006.

2. The Joint Director of Collegiate Education,
Madurai Region,
Madurai.

+1 CC to Mr.R.SUBRAMANIAN, Advocate (SR-80232[F] dated 07/08/2019)
+1 CC to SPL GP (SR-80306[F] dated 07/08/2019)
+1 CC to Mr.M.E.ILANGO, Advocate (SR-80748[F] dated 08/08/2019)

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06.08.2019

ns

MK (27.08.2019) 2P 6C