

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 15.07.2019

CORAM:

THE HONOURABLE **MR. JUSTICE S.M.SUBRAMANIAM****W.P. (MD) No.18414 of 2014****and****M.P. (MD) .No. 2 of 2013**

WEB COPY

- 1.R.Poongodi
- 2.S.Jeyamani Ammal
- 3.M.Mahalakshmi
- 4.T.Nagalakshmi
- 5.V.Ambiga
- 6.K.Kanimozhi
- 7.Rajeswari
- 8.C.Tamilselvi
- 9.A.Jeyanthi
- 10.K.Eswari
- 11.S.Leelavathi
- 12.T.Kuttiammal

... Petitioners

Vs.

- 1.The Director,
Most Backward Classes &
De-notified Communities,
Chepauk,
Chennai.

- 2.The Joint Director,
Kallar Reclamation,
Madurai District.

... 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 proceedings made in Na.Ka.No.H10/68861/2013-03 dated 03.07.2014 passed by the 2nd respondent, quash the same, further directing the respondents to declare the Headmasters/ Headmistress of Elementary School Post is also a feeder post to the promotion post of B.T.Warder/Matron in the Hostels maintained by Kallar Reclamation Board.

For Petitioner : Mr.A.Jeyaramachandran

For Respondents : Mr.D.Muruganandam

Additional Government Pleader

ORDER

All the writ petitioners are working as Headmistress in



Elementary School. The writ petitioners claim that they should be promoted to the post of B.T.Assistant Warden/Matron by way of promotion.

2.The learned counsel appearing for the writ petitioners states that the writ petitioners are qualified for promotion to the post of B.T.Assistant Warden/Matron and inspite of that, the case of the writ petitioners are not considered, on account of the non-availability of appropriate Rules in this regard.

3.The learned Additional Government Pleader appearing for the respondents states that the post of Headmistress of Elementary School falls under a different service Rules and the Headmistress in Elementary School is not a feeder category for promotion to the post of B.T.Assistant Warden/Matron, in Kallar Reclamation Department.

4.This Court is of the considered opinion that if at all the post of Headmistress of Elementary School is a Feeder category for promotion to the post of B.T.Assistant Warden/Matron, the writ petitioners cannot seek promotion merely on the ground that they are qualified for such promotion.

5.This Court further cannot direct the Government to include the post of Headmistress as a Feeder Category in Rules. Constitution of Service Rules and declaration of Feeder categories are the administrative prerogative of the Government Department and the High Court cannot issue any direction to include a particular cadre as a Feeder category for promotion to the higher post. Such an exercise is to be done only by the competent authority concerned and the same is the policy decision to be taken. The Court cannot issue any direction to create any policy decision in this regard by the Government. As of now, the post of Headmistress is not a feeder category, as per rules, for promotion to the post of B.T.Assistant Warden/Matron. This being the factum, the writ petitioners are not entitled for the relief as such sought for in the present writ petition.

6.In view of the above, this writ petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //



To

1.The Director,
Most Backward Classes &
De-notified Communities,
Chepauk,
Chennai.

2.The Joint Director,
Kallar Reclamation,
Madurai District.

+1 CC to M/s.SPL GP (SR-75400[F] dated 16/07/2019)

NS

W.P. (MD) No.18414 of 2014
and
M.P. (MD) .No. 2 of 2013
15.07.2019

KM/ (25.07.2019) 3P 4C