



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.07.2019

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P (MD) No.20964 of 2014

and

M.P (MD) No.1 of 2014

P.Mohana Kumar

... Petitioner

Vs

1.The Chief Educational Officer,
Kanyakumari District,
Nagercoil.

2.The District Educational Officer,
Thuckalay Educational District,
Thuckalay,
Kanyakumari District-629 175.

...

Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the Respondents 1 and 2 herein to promote the petitioner as 'Lab Assistant' in any one of the 32 vacancies for the post of 'Lab Assistant' now available in Thuckalay Educational District and confer all consequential benefits on par with his juniors.

For Petitioner : Mr.S.Bharathy Kannan

For R1 & R2 : Mrs.S.Srimathy,
Special Government Pleader

ORDER

The relief sought for in the present writ petition is for a direction to the respondents 1 & 2 to promote the petitioner as Lab Assistant in any one of the 32 vacancies for the post of Lab Assistant now available in Thuckalay Educational District and confer all consequential benefits on par with his juniors.

2.The writ petitioner is now working as a Record Clerk. The writ petitioner claims that he is fully qualified for appointment to the post of Lab Assistant by way of promotion. Thus, the writ petitioner is constrained to move the present writ petition.



3. Promotion perse cannot be claimed as a matter of legal right. However, consideration for promotion is a fundamental right of an employee. Thus, at the time of preparation of panel for promotion to the post of Lab Assistant, the names of all the eligible persons are to be considered by the competent authorities strictly in accordance with the rules in force. This being the principles to be followed, the relief as such sought for to direct the respondents 1 & 2 to promote the petitioner as Lab Assistant in any one of the 32 vacancies for the post of Lab Assistant cannot be granted. However, the case of the writ petitioner also is to be considered along with all other eligible candidates, who all are waiting to secure promotion to the post of Lab Assistant in accordance with the rules in force.

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

Sd/-

Assistant Registrar (AD-II)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Chief Educational Officer,
Kanyakumari District, Nagercoil.

2. The District Educational Officer,
Thuckalay Educational District, Thuckalay,
Kanyakumari District-629 175.

+1 CC to M/s.S.BHARATHY KANNAN, Advocate
(SR-74868[F] dated 11/07/2019

TS (17.07.2019) 2P 4C

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