



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.07.2019

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WEB COPY

W.P(MD)No. 3476 of 2014

K.Suyamboo

... Petitioner

Vs.

1. The Member Secretary,
All India Council for Technical Education,
4th Floor, East Tower, MBCC Place,
Bhisham Pitamahamarg,
Pragaitvigar, Lodhi Road,
New Delhi - 110 003.

2. The Commissioner of Technical Education,
Guindy, Chennai - 25.

3. The Secretary - Correspondent,
Kamaraj Polytechnic College,
Pzhavilai Post - 629 501,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents-1 & 2 to create/restore the post of Head of the Department in the Department of Humanity and Science in the third respondent college and promote the petitioner to the said post in the order of seniority so as to enable the petitioner to qualify for promotion to the post of Principal.

For Petitioner : Mr.B.Saravanan

For Respondent-1 : MrN.Dilip Kumar

For Respondent-2 : Mr.K.M.U.Muthu,
Additional Government Pleader

For Respondent-3 : No appearance

ORDER

The relief sought for in the writ petition is filed to direct the respondents-1 & 2 to create/restore the post of Head of the Department in the Department of Humanity and Science in the third respondent college and promote the petitioner to the said post in the order of seniority.



2. The very relief sought for in the present writ petition is absolutely misconceived. Creation of the post of the head of the department or restoration of the abolished post is a administrative prerogative of the department. Creation of post is a policy decision of the Government. The employee cannot seek for a direction for creation of the post or abolition of the post. Such policy decisions are to be taken by the competent authorities and appropriate sanction are also to be granted by the Government. This being the procedures to be followed. The writ petitioner who was working as Lecturer Selection Grade cannot seek a direction by filing the writ petition for the purpose of creation of post of Head of the Department or restoration of post.

3. The learned Additional Government Pleader appearing for the second respondent now brought to the notice of this Court that the writ petitioner had already been attained the age of superannuation and retired from service.

4. This being the factum, the relief as such sought for deserves no merit consideration. Accordingly, the writ petition stands dismissed. No Costs.

Sd/-

Assistant Registrar (CO)

/ True Copy /

Sub Assistant Registrar (CS-)

To

1. The Member Secretary,
All India Council for Technical Education,
4th Floor, East Tower, MBCC Place,
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Pragaitvigar, Lodhi Road,
New Delhi - 110 003.

2. The Commissioner of Technical Education,
Guindy, Chennai - 25.

+1 CC to M/s.SPL GP (SR-75733[F] dated 17/07/2019)

+1 CC to M/s.N.DILIP KUMAR, Advocate(SR-75877[F] dated 17/07/2019)

+1 CC to M/s.B.SARAVANAN, Advocate (SR-75849[F] dated 17/07/2019)

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