



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) No.5566 of 2015
and
M.P.(MD) No.1 of 2015

V.Paraman

... Petitioner

vs.

1.The Secretary to Government
Revenue Department
Secretariat, Chennai-600 009

2.The Additional Chief Secretary and
Commissioner of Revenue Administration
Ezhiligam, Chepauk
Chennai-600 005

3.The District Collector
Virudhunagar District
Virudhunagar

... Respondents

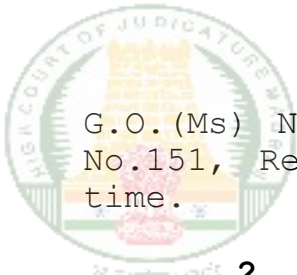
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the third respondent i.e. the District Collector, Virudhunagar to promote the petitioner as Village Administrative Officer in anyone of the estimated and notified vacancies by the TNPSC for the year 2014-2015 as per G.O.Ms.No.570, Revenue Department, dated 26.12.2014 and G.O.Ms.No.151, Revenue Department, dated 31.03.2015 within a time stipulated by this Court.

For Petitioner : Mr.S.Visvalingam

For Respondents : Mr.K.Mu.Muthu
Additional Government Pleader

O R D E R

The relief sought for in the present writ petition is for a direction to the third respondent / District Collector, Virudhunagar, to promote the writ petitioner as Village Administrative Officer in any one of the estimated and notified vacancies by the Tamil Nadu Public Service Commission for the year 2014-2015, as per



G.O.(Ms) No.570, Revenue Department, dated 26.12.2014 and G.O.(Ms) No.151, Revenue Department, dated 31.03.2015, within a stipulated time.

2. The learned counsel for the writ petitioner states that the writ petitioner is now working as Village Assistant in D.Kadambankulam Village, Kariyapatti Taluk, Virudhunagar District. The writ petitioner states that he is entitled to be promoted to the post of Village Administrative Officer, as per the Government Orders in force. However, the case of the writ petitioner was not considered for promotion.

3. The learned Additional Government Pleader appearing for the respondents states that the minimum educational qualification prescribed for promotion to the post of Village Administrative Officer is pass in Tenth Standard. However, the writ petitioner has not passed Tenth Standard and therefore, he is not qualified for promotion to the post of Village Administrative Officer.

4. This Court is of the considered opinion that promotion per se cannot be claimed as a matter of right. However, consideration for promotion of an employee is a fundamental right. All promotions are to be made strictly in accordance with the Promotion Rules in force. The competent authorities, while undertaking the process of preparation of panel, should consider the names of all the eligible candidates, who all are waiting for promotion to the post of Village Administrative Officer. This being the principles to be followed, the respondents are directed to consider all the eligible persons, who all are waiting for promotion, including the writ petitioner if he is otherwise qualified and accordingly, grant promotion, whenever an administrative decision is taken to fill-up post of Village Administrative Officer.

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

Sd/-

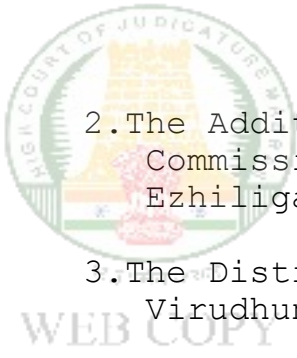
Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar(CS)

To:

1.The Secretary to Government,
Revenue Department,
Secretariat,
Chennai-600 009.



2.The Additional Chief Secretary and
Commissioner of Revenue Administration,
Ezhiligam, Chepauk, Chennai-600 005.

3.The District Collector,
Virudhunagar District, Virudhunagar.

+1 CC to Mr.S.VISVALINGAM, Advocate SR-74493.
+1 CC to SPL GP SR-74537.

W.P. (MD) No.5566 of 2015
and
M.P. (MD) No.1 of 2015
09.07.2019

CS/ /SAR/18.07.2019/ 3P/ 6C