

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

DATED: 02.11.2020

CORAM:

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM****W.P. (MD) Nos.10295, 10693 and 10694 of 2012**

WEB COPY

1.K.Velusamy ... Petitioner in W.P(MD).No.10295/2014  
2.R.Pandiaraj ... Petitioner in W.P(MD).No.10693/2014  
3.N.Gokulakrishnan ... Petitioner in W.P(MD).No.10694/2014

Vs.

1.Government of Tamil Nadu,  
Represented by the Secretary to Government,  
School Education Department,  
Fort St.George,  
Chennai-600 009.

2.The Director of School Education,  
D.P.I.Compound,  
College Road,  
Chennai.

3.The Joint Director,  
School Education,  
D.P.I.Compound,  
College Road,  
Chennai.

... Respondent NO 4 in all W.Ps

4.The District Educational Officer,  
Virudhunagar District,  
Virudhunagar.

... Respondents in W.P(MD).No.10295/2014

5.The Chief Educational Officer,  
Virudhunagar District,  
Virudhunagar.

... Respondent No4 in W.P(MD).Nos.10693 and 10694  
/2014

**PRAYER:** Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to call for the petitioner for the counseling and promote him by giving retrospective effect from 23.11.2011 as per the existing rules based on the promotion panel list dated 01.01.2011.

For Petitioner in  
all W.Ps  
For Respondents  
in all W.Ps

: Mr.M.Ashok Kumar  
: Mr.J.Gunaseelan Muthiah  
Additional Government Pleader

**COMMON ORDER**<https://hcservices.ecourts.gov.in/hcservices/>

The relief sought for in the writ petition is to direct the respondents to call for the petitioners for the counseling and to



promote them by giving retrospective effect from 23.11.2011 as per the existing rules based on the promotion panel list dated 01.01.2011.

2. The panel list referred to in the prayer of the writ petitions on 01.01.2011 is a seniority list. Mere seniority list would not confer any right on the writ petitioners to claim promotion.

3. Promotion *per se* cannot be claimed as a matter of right. Consideration for promotion is a fundamental right of an employee. Thus, all the employees, who are all eligible and aspiring to secure promotion are to be considered by the competent authorities, while undertaking the process of preparation of panel and grant of promotion. This being the principles to be followed, mere seniority list would not confer any right on the employees to claim promotion or retrospective promotion. Retrospective promotion can be claimed only if any illegality or irregularity has been committed for the grant of promotion or not otherwise. The petitioners have not established any such events so as to consider their case for grant of retrospective promotion. However, the case of the writ petitioners is to be considered whenever a panel is prepared and by following the procedures contemplated.

4. The relief as such sought for to grant retrospective promotion based on the seniority list dated 01.01.2011, cannot be granted or the authorities competent are bound to consider all the facts and circumstances as well as various Government Orders in the subject and accordingly, consider the case of the writ petitioners with reference to the rules in force and by following the procedures contemplated.

5. With these observations, these Writ Petitions are disposed of. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

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To

1. The Secretary to Government,  
School Education Department,  
Fort St. George,  
Chennai-600 009.



2.The Director of School Education,  
D.P.I.Compound,  
College Road,  
Chennai.

3.The Joint Director,  
School Education,  
D.P.I.Compound,  
College Road,  
Chennai.

4.The District Educational Officer,  
Virudhunagar District,  
Virudhunagar.

5.The Chief Educational Officer,  
Virudhunagar District,  
Virudhunagar.

+1 CC to M/s.SPL GP ( SR-20986[F],20987,20985 dated 03/11/2020 )

+1 CC to M/s.M.Ashok Kumar (SR-21078[F] dated 04/11/2020)

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02.11.2020

VR(CO)  
KB(11.11.2020) 3P 8C