



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.11.2020

CORAM:

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**

W.P. (MD)No.9782 of 2011

and

M.P(MD)No.1 of 2011

K.Veerappan

... Petitioner

Vs.

1.The Government of Tamilnadu
Represented by its Secretary
to Government Higher Education Department (B1)
Fort St.George,
Chennai - 9.

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

3.The Principal,
Government College of Engineering,
Tirunelveli - 627 007.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the Respondent Nos.2 and 3 to provide promotion to the petitioner to the Post of Artisan Grade - II from the Cadre of 1st Class Mazdoor Grade-I, with effect from 01.07.2007 within the time stipulated by this Court.

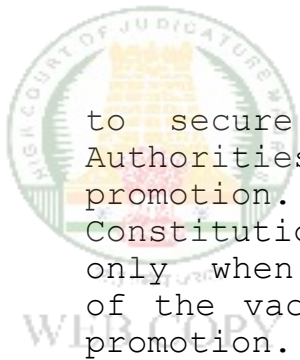
For Petitioner : Mr.G.Karthick
For Mr.T.lajapathi Roy

For Respondents : Mr.J.Gunaseelan Muthiah
Addl.Govt.Pleader

O R D E R

The relief sought for in the present Writ petition is to direct the respondents 2 and 3 to provide promotion to the petitioner to the post of Artisan Grade-II, from the cadre of Mazdoor Grade-I, with effect from 01.07.2007.

2. Promotion *per se* cannot be claimed as a matter of right. However, consideration of promotion is a Fundamental Right of an employee. The names of all the eligible persons, who are aspiring



to secure promotions, are to be considered by the Competent Authorities, while taking a decision to prepare a panel for promotion. Equal opportunity in promotion is the mandate of the Constitution of India. Thus, the right of an employee would accrue only when a panel is prepared and not otherwise. Mere availability of the vacancy is not a ground to seek promotion or retrospective promotion.

3. In the present case, the Writ Petitioner made an application for promotion. However, the Authorities have not granted promotion. The petitioner reached the age of superannuation. The petitioner is unable to establish that the respondents have violated any Rule, while granting any promotion or some of his Juniors are promoted. In the absence of any such Rules or otherwise, the claim of the Writ Petitioner, for issuing a direction to promote him, would not arise at all. The petitioner retired from service and he could not establish that his juniors were promoted. This being the factum, the relief, as such sought for, deserves no merit consideration and accordingly, the Writ Petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

MPK

To

1.The Secretary to Government Higher Education Department (B1)
Fort St. George, Chennai - 9.

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

3.The Principal,
Government College of Engineering,
Tirunelveli - 627 007.

+1 CC to M/s.GP (SR-23485[F] dated 01/12/2020)

+1 CC to M/s.T. LAJAPATHI ROY, Advocate (SR-23589[F] dated
02/12/2020)

W.P. (MD)No.9782 of 2011

30.11.2020

PM(CO)

TR(10.12.2020) 2P 6C