



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) .No.2319 of 2013

A.Marakatham

... Petitioner

-Vs-

1.The Director,
Adidravide Welfare Department,
Chepaulk, Chennai.

2.The District Welfare Officer,
Adidravide Welfare Department,
Tanjore District.

3.The Special Thasildar,
Adidravide Welfare Department,
Pattukottai, Tanjavur District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent to give promotion to the petitioner to the post of B.T. Assistant as per the original seniority in the respondent school with all the monetary benefits on the basis of petitioner representation, dated 13.12.2012.

For Petitioner : Mr.S.Deenadhayalan

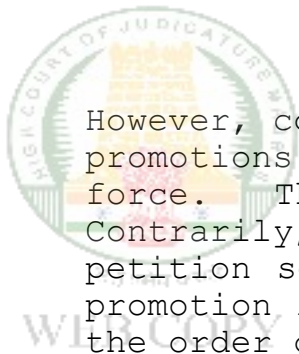
For Respondents : Mr.P.Mahendran
Additional Government Pleader

ORDER

The relief sought for in the present writ petition is for a direction to direct the second respondent to give promotion to the petitioner to the post of B.T. Assistant as per the original seniority in the respondent school with all the monetary benefits on the basis of petitioner's representation, dated 13.12.2012.

2.The submission of the representation to the authorities competent would not provide any right for the petitioner to seek promotion by filing a writ petition under Article 226 of the Constitution of India. For filing a writ petition, the petitioner has to establish a legal right. Legal right is a pre-condition to entertain the writ petition. A mere submission of representation cannot be a ground to issue a Writ of Mandamus.

3.Promotion *per se* cannot be claimed as a matter of right.



However, consideration for promotion is a right of an employee. All promotions are to be made strictly in accordance with the rules in force. The petitioner has to wait for her turn for promotion. Contrarily, based on her representation, she cannot file a writ petition seeking a direction to promote her. Equal opportunity in promotion is the constitutional mandate. All eligible employees in the order of seniority ought to be considered, while undertaking the process of preparing a panel for promotion to the higher post. Thus, the petitioner has to wait for her turn in order to get promotions. The authorities competent are bound to consider all the eligible employees who all are aspiring to secure promotion, whenever the decision is taken to fill up the post by preparing a panel.

4.This being the principles to be followed, the writ petitioner has not established any semblance of legal right, so as to consider the relief as such sought for in the present writ petition. Accordingly, the writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar (CS I)

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Sub Assistant Registrar(CS)

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To

- 1.The Director,
Adidravide Welfare Department,
Chepaulk, Chennai.
- 2.The District Welfare Officer,
Adidravide Welfare Department,
Tanjore District.
- 3.The Special Thasildar,
Adidravide Welfare Department,
Pattukottai, Tanjavur District.

+1 CC to M/s.GP (SR-19907[F] dated 13/10/2020)

W.P. (MD) .No.2319 of 2013
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