



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD).No.10124 of 2014

T.Rajkumar

... Petitioner

-Vs-

1.State of Tamil Nadu,
Rep. by Principal Secretary,
School Education Department,
Secretariat, Chennai-9.

2.The Director of School Education,
Office of the Director of School Education,
College Road, Chennai-6

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Na.Ka.No.25559/Sil/E1/2014, dated .04.2014 signed on 27.04.2014, on the file of the second respondent and quash the same as illegal and consequently to direct the second respondent to provide promotion to the petitioner in the post of High School Headmaster notionally with effect from 25.05.2012 along with consequential monetary benefit and arrears in the light of the G.O.Ms.No.127, School Education Department (A1), dated 25.5.2012, within the time stipulated by this Court.

For Petitioner	: Mr.T.Lajapathi Roy
For Respondents	: Mrs.S.Srimathy Special Government Pleader

ORDER

The relief sought for in the present writ petition challenging the panel for promotion to the post of High School Headmaster. Admittedly, the writ petitioner attained the age of superannuation and retired from service in the year 2014 itself.

2.The grievance of the writ petitioner is that he was not promoted to the post of High School Headmaster with effect from the year 2012 and therefore, he is constrained to move the present writ petition.

3.All promotions are to be made strictly in accordance with the rules in force. Promotion *per se* cannot be claimed as a matter of right. Only when rules are violated and his juniors are promoted, then alone the right of promotion can be claimed by the eligible persons. Promotion *per se* is not a right. The authorities competent are bound to consider the cases of all the eligible



persons for promotion in accordance with the seniority and as per the rules in force.

4.The writ petitioner had already attained the age of superannuation and retired from service in the year 2014. He may be eligible for notional promotion in force, if there is any violation of promotion rules or his juniors were promoted already, when he was in service.

5.Under these circumstances, the writ petitioner is at liberty to submit an appeal to the first respondent for redressing his grievances. In the event of submitting any such appeal, the first respondent is directed to consider the same on merits and in accordance with law within a reasonable period of time.

6.With these directions, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

sjj

To

1.The Principal Secretary,
State of Tamil Nadu,
School Education Department,
Secretariat, Chennai-9.

2.The Director of School Education,
Office of the Director of School Education,
College Road, Chennai-6

+1 CC to M/s.T. LAJAPATHI ROY, Advocate (SR-19287[F] dated 07/10/2020)

+1 CC to M/s.SPL GP (SR-19420[F] dated 08/10/2020)

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VR(CO)
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