



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.10.2020

CORAM

THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM

W.P. (MD)No.1120 of 2015

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K.Suyamboo

... Petitioner

Vs.

1.The Principal Secretary/
Commissioner of Technical Education,
Department of Technical Education,
Guindy, Chennai - 25.

2.The Secretary - Correspondent,
Kamaraj Polytechnic College,
Pazhavilai Post - 629 501,
Kanyakumari District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the first respondent in his proceedings Letter No.10056/C2/2014 dated 12.01.2015 and to quash the same as illegal and consequently directing the respondents to consider the petitioner for promotion to the post of Principal in the second respondent polytechnic college w.e.f. 12.12.2008 with all monetary and other benefits.

For Petitioner : Mr.B.Saravanan

For R1 : Mr.C.M.Marichellaiah Prabhu,
Additional Government Pleader.

For R2 : No Appearance

ORDER

The order, dated 12.01.2015 passed by the Commissioner of Technical Education rejecting the claim of the writ petitioner to appoint him in the post of Principal on regular basis is under challenge in this writ petition.

2.The writ petitioner was appointed as Instructor in the subject of Mathematics on 22.09.1982 in the second respondent Polytechnic College. He was promoted as Lecturer on 22.09.1985 and was up-graded as Senior Lecturer on 22.09.1995. The petitioner was appointed as Principal in-charge by an order, dated 12.12.2008 and during the pendency of this writ petition, the petitioner attained the age of superannuation.



3.The claim of the writ petitioner is that he should be promoted to the post of Principal on regular basis with effect from 12.12.2008 with all monetary benefits. Admittedly, he was appointed as in-charge of the Polytechnic College from 12.12.2008.

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4.Posting an employee as in-charge Principal is a Administrative decision taken by the Authorities competent. The promotion cannot be claim as a matter or right. However, at the time of approval of panel for regular promotion, the name of the petitioner was considered. Subsequently, he was retired from service. The person who appointed as in-charge would not claim any right to regulate the same. The impugned order also reveals that the writ petitioner has not possessed the requisite qualification for the post of Principal and the procedure for appointment to any post in Government aided Private Polytechnic College by selection through Staff Selection Committee is not followed in the case of the writ petitioner and there is no sanctioned post of Head of the Department in Mathematics Department in Kamaraj Polytechnic College. In view of all these reasons, the request of the writ petitioner was rejected by the Commissioner of Technical Education.

5.This Court is of the considered opinion that the reasons set out in the impugned order are candid and convincing. Thus, there is no infirmity in the reasons set out in the order impugned. Accordingly, the writ petitioner has not established any acceptable ground for the purpose of considering the relief sought for and, this writ petition is devoid of merits and deserves dismissal. The writ petition stands dismissed, on these terms. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

gns

To

The Principal Secretary/

Commissioner of Technical Education,

Department of Technical Education,

Guindy, Chennai - 25.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Secretary - Correspondent,
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+1 CC to SGP (SR-19770[F] dated 12/10/2020)

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SSS (CO)
KM (20.10.2020) 3P 4C