



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) Nos.4241 to 4245 of 2014

and

M.P (MD) .Nos.1,1,1,1,1,2,2,2,2 and 2 of 2014

1.K.Kalpna	... Petitioner in W.P (MD) .No.4241/2014
2.Muthulakshmi	... Petitioner in W.P (MD) .No.4242/2014
3.T.Manikandan	... Petitioner in W.P (MD) .No.4243/2014
4.A.Boopathy	... Petitioner in W.P (MD) .No.4244/2014
5.K.Kavitha	... Petitioner in W.P (MD) .No.4245/2014

Vs.

1.The Director of Elementary Education,
Office of the Director of Elementary Education,
College Road, Chennai-600 006.

2.The District Elementary Educational Officer,
Office of the District Elementary Educational
Officer, Karur, Karur District.

3.The Additional Assistant Elementary
Educational Officer,
Office of the Additional Assistant,
Elementary Educational Officer,
Kulithalai Union, Karur District.

... Respondents in all Cases

COMMON PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents herein to promote the petitioner to the post of B.T.Assistant (English) in any of the vacancies in 1.Sukkampatti, 2.Melakuppu Reddipatti, 3.Nallur, 4.Nangavaram and 5.I.Pudupatti, Kulithalai Union, Karur, in accordance with G.O.Ms.No.239 dated 22.09.2007 as per the panel for promotion as on 01.01.2013 issued by the third respondent without any delay.

For Petitioners in
all cases : Mr.K.Appadurai

For Respondents : Mrs.S.Srimathi
in all cases Special Government Pleader



COMMON ORDER

The relief sought for in these writ petitions is to direct the respondents to promote the petitioners to the post of B.T.Assistant (English) in any of the vacancies in accordance with G.O.Ms.No.239, dated 22.09.2007.

2.The learned counsel appearing for the petitioners state that all the petitioners are fully qualified for promotion to the post of B.T.Assistant, as per the Rules and the Government Orders in force.

3.Promotion *per se* cannot be claimed as a matter of right. Consideration for promotion is a right of an employee. All promotions are to be made strictly in accordance with the rules. Equal opportunity in promotion is a mandate. Thus, the authorities while undertaking the process of preparation of panel for promotion should consider the list of all the eligible promotions, who are all aspiring to secure promotion to the higher posts. Therefore, mere submission of representation or filing the writ petition seeking a direction cannot be entertained. The Courts cannot issue a direction to promote an employee, unless any such promotions were granted illegally or in violation of the rules in force. In view of the fact that the promotion cannot be a right, the employees are bound to wait for their turn, for the order of seniority.

4.This apart, mere vacancy in a higher post is not a ground to seek promotion. Authorities competent have to take a decision to fill-up the post and once an administrative decision is taken and thereafter, the process of preparation of panel in accordance with the rules as per the seniority list and thereafter, promotions are to be granted. This being the procedures for promotions or appointments contemplated under the provisions of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016, this Court is of the considered opinion that the case of the writ petitioners are to be considered in accordance with the rules and based on the seniority and by following the procedures contemplated in the Statute.

5.With these observations, these Writ Petitions stand disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (A.S)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

1. The Director of Elementary Education,
Office of the Director of Elementary Education,
College Road, Chennai-600 006.
2. The District Elementary Educational Officer,
Office of the District Elementary Educational
Officer, Karur, Karur District.
3. The Additional Assistant Elementary
Educational Officer,
Office of the Additional Assistant,
Elementary Educational Officer,
Kulithalai Union, Karur District.

+1 CC to Mr.K.APPADURAI, Advocate (SR-20086[F] dated 15/10/2020)

W.P. (MD) Nos.4241 to 4245 of 2014
and
M.P (MD) .Nos.1,1,1,1,1,2,2,2,2 and 2 of 20104

14.10.2020

SGS (CO)
CS (29.10.2020) 3P 5C