



WEB COPY

W.P.No.4881 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.4881 of 2016
& W.M.P.No.21134 of 2016

Dr.K.Paneerselvam

... Petitioner

Vs.

The Director General
Archaeological Survey of India
No.11, Janpath,
New Delhi – 110 011.

... Respondent

Prayer: Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondent to promote the petitioner from the post of Assistant Superintending Epigraphist to the post of Deputy Superintending Epigraphist as per the Roster Point considering the petitioner's representation dated 17.12.2015 within the time frame fixed by this Court.

For Petitioner : Mr.C.Munusamy

For Respondent : Mr.G.Karthikeyan



ORDER

The relief sought for in the present writ petition is to direct the respondent to promote the petitioner from the post of Assistant Superintending Epigraphist to the post of Deputy Superintending Epigraphist as per the Roster Point considering the petitioner's representation dated 17.12.2015.

2. Mere submission of representation would not confer any right to seek a promotion. Promotion *per se* cannot be claimed as an absolute right. However, consideration for promotion is a fundamental right of an employee. Thus, whenever an administrative decision is taken by the competent authority to fill up the promotional post, they have to consider the names of all the eligible employees, who all are aspiring to secure promotion in accordance with the rules in force. This being the principles to be followed for the purpose of grant of promotion.

3. The grievance of the writ petitioner is that his representation has not been considered, cannot be taken into consideration for the purpose of issuing a direction to promote the petitioner. However, the case of the writ petitioner is to be considered in accordance with the seniority and as per the



Promotions Rules in force, whenever the process of promotion is undertaken by the competent authorities.

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4. The learned counsel for the petitioner made a submission that the counter affidavit reveals that the respondent has undertaken to amend the relevant rules, but the amendment of rules are the policy decisions of the Government and with reference to the relief sought for in the present writ petition, no consideration is required in respect of the said statement made in the counter affidavit filed by the respondent. If at all the roster is to be followed as per the Promotion Rules, then that is to be considered at the time of preparation of the panel of eligible persons, who all are to be considered for promotion to the higher post. Thus, the case of the petitioner is to be considered along with all other eligible candidates, at the time of undertaking the process of preparation of panel and promotions in accordance with the rules.

5. With these observations, the Writ Petition stands disposed of. No costs. Connected MP is closed.

19.09.2022

Jeni
Index : Yes
Speaking order



To

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S.M.SUBRAMANIAM, J.

Jeni

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