



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2022

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.12154 OF 2014

E.Ramachandran

...Petitioner

-Vs-

1. The Secretary to the Government of Tamil Nadu,
School Education Department, Secretariat,
Chennai - 600 009.
2. The Director of School Education,
Chennai - 600 006.
3. The Joint Director of School Education (Personnel),
Chennai - 600 006.
4. The Chief Educational Officer,
Udhagaimandalam,
Nilgiris District.

...Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the fourth respondent to pass orders on the representation of the petitioner dated 06.03.2014, within the time limit as stipulated by this Court by considering him, for promotion to the post of BT Assistant, with effect from the date from when his juniors were promoted with arrears of pay and all consequential benefits.

For Petitioner : Mr.R.Raguram
for M/s.Giridhar and Sai

For Respondents : Mrs.S.Anitha
R1 to R4 Special Government Pleader



ORDER

The relief sought for in the present writ petition is to direct the fourth respondent to pass orders on the representation of the writ petitioner dated 06.03.2014 within stipulated time.

2. Even to grant the relief of directing the respondents to consider the representation, the petitioner has to establish a right and in the absence of establishment of right, no such direction to consider the representation can be issued by the High Court under Article 226 of Constitution of India. Mere submission of representation would not be sufficient enough to grant the relief of promotion.

3. Promotion per se cannot be claimed as a matter of right. All promotions are to be granted strictly in accordance with the Rules in force. The general statement of the writ petitioner that some of his juniors are promoted is insufficient to grant relief of retrospective promotion. In the event of granting relief of promotion, the petitioner has to establish a right of inclusion of his name in the appropriate panel and further it is to be established that his juniors have been promoted, without considering the name of the writ petitioner or otherwise. If at all if any illegality or irregularity in the matter of promotion is established, then alone the relief of retrospective promotion can be granted in writ proceedings and not otherwise. To issue a direction to consider the representation, a right is to be established and a routine way of issuing direction to consider representation by the High Court, would do no service to the cause of justice. Contrarily the litigants are again back to the Court by way of another litigation, which is undoubtedly not desirable.

4. Therefore, petitioner has to set out the clear facts with reference to the violation of rules of promotion. However, in the present writ petition, except the general statement that some juniors are promoted, the writ petitioner has not established any violation or irregularity or otherwise with reference to the rules applicable for promotion to the higher post.

5. Thus, the petitioner is at liberty to approach the competent authorities, if at all there is any illegality or violation of rules in the matter of grant of promotion. However, the relief as such sought for in the present writ petition deserves no further consideration as the petitioner has not established any definite right for the grant of relief.



6. With the above observations, the writ petition stands dismissed. No costs.

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Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mrm

To

1. The Secretary to the Government of Tamil Nadu,
School Education Department, Secretariat,
Chennai - 600 009.
2. The Director of School Education,
Chennai - 600 006.
3. The Joint Director of School Education (Personnel),
Chennai - 600 006.
4. The Chief Educational Officer,
Udhagamandalam,
Nilgiris District.

+1cc to the Government Pleader, S.R.No.34845

W.P.No.12154 of 2014

SKM(CO)
PM/27/06/2022