



WEB COPY

W.P.No.18274 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 11.10.2022**

CORAM

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM**

**W.P.No.18274 of 2018**

M.Kumar

... Petitioner

Vs.

1.The District Collector,  
Villupuram.

2.The Block Development Officer,  
Panchayat Union,  
Melmalayanur,  
Villupuram District.

3.The Inspector of Police,  
Avalurpettai,  
Villupuram District.

... Respondents

**Prayer:** Writ Petition filed Under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1<sup>st</sup> respondent to consider the representation of the petitioner dated 25.09.2017 seeking promotion from the post of Panchayat Secretary to the post of Junior Assistant in the 2<sup>nd</sup> respondent office based on the status report of “Referred (Further Action Dropped) uploaded by the 3<sup>rd</sup> respondent police in Tamil Nadu Police Citizen Portal.



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|                |                                                    |
|----------------|----------------------------------------------------|
| For Petitioner | : Ms.R.T.Shyamala                                  |
| For R1 & R2    | : Mr.P.Gurunathan<br>Additional Government Pleader |
| For R3         | : Mr.S.Rajesh<br>Government Advocate               |

## **ORDER**

The relief sought for in the present writ petition is to direct the respondents to consider the representation of the writ petitioner dated 25.09.2017 seeking promotion from the post of Panchayat Secretary to the post of Junior Assistant.

2. The petitioner is now working as Panchayat Secretary and the next avenue for promotion is to the post of Junior Assistant. The case of the writ petitioner was not considered for grant of promotion on account of pendency of Criminal Case against him.

3. The learned counsel for the petitioner made a submission that as of now no Criminal Case was pending against the writ petitioner and in this regard, the petitioner submitted a representation to consider his case for promotion.



4. Promotion *per se* cannot be claimed as a matter of an absolute right by an employee. Consideration for promotion is a Fundamental Right of an employee. Thus, the authorities, while taking an administrative decision to fill up the promotional posts have to prepare a panel of eligible persons in the order of seniority, for grant of promotion, by following the rules in force. It is needless to state that at the time of preparing the panel of persons fit for promotion to the post of Junior Assistant, the names of all the eligible candidates are to be considered strictly in accordance with the promotion rules in force. Thus, an employee cannot claim promotion as a right, but he is entitled to be considered, whenever a decision is taken administratively to fill up the posts.

5. This being the principles to be followed, mere representation of the petitioner cannot be a ground to grant the relief of promotion. However, the authorities, while preparing the panel of eligible persons fit for promotion to the post of Junior Assistant has to consider the name of the writ petitioner along with all other eligible candidates and accordingly, proceed with the grant of promotion.



6. With these observations, the Writ Petition stands disposed of. No costs.

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Jeni

Index : Yes

Speaking order

To

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**S.M.SUBRAMANIAM, J.**

Jeni

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