



WP No.635 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12-10-2022

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.635 of 2017

And

WMP Nos.686 to 688 of 2017

A.S.Senthil Kumar

..

Petitioner

VS.

- 1.The Secretary,
Government of Tamil Nadu,
Department of School Education,
Fort St. George,
Chennai-9.
- 2.The District Elementary Education Officer,
Erode District.
- 3.The Periyar Institute of Distance Education (PRIDE),
Periyar University,
Salem-11.
- 4.S.Jagajothi Krishnan .. Respondents



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Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the issuance of Degree Certificate of the fourth respondent by the third respondent vide Certificate No.2KPK 018138 for the year 2013 and recall the same and consequently quash the impugned order of promotion of the fourth respondent S.Jagajothi Krishnan issued by the second respondent in his proceedings dated 01.11.2014 bearing Na.Ka.No.4140/A2/2014 by calling for the records relating to the same and pursuant thereto for a direction directing the second respondent to promote the petitioner as B.T. Assistant (Mathematics) with effect from 01.11.2014.

For Petitioner	: Mr.C.P.Sivamohan
For Respondents-1 and 2	: Ms.S.Mythreye Chandru, Special Government Pleader.
For Respondent-3	: No Appearance
For Respondent-4	: Ms.S.Keerthiga for M/s.Row and Reddy

ORDER

The promotion order of the fourth respondent to the post of B.T. Assistant (Mathematics), is under challenge in the present writ petition.



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2. The learned counsel for the petitioner brought to the notice of this Court that the fourth respondent died and therefore no further adjudication in respect of the order of promotion issued to the fourth respondent is required.

3. The learned Special Government Pleader, appearing on behalf of the respondents 1 and 2, drew the attention of this Court with reference to the panel prepared by the Competent Authorities for promotion to the post of B.T. Assistant (Mathematics) for the year 2014. Accordingly, the name of the fourth respondent is found place in S.No.1 and one Smt.C.Anithakumari is found place in S.No.2 and Smt.K.Saraswathi is found place in S.No.3 and the petitioner Mr.A.S.Senthilkumar is found place in S.No.4. Further, the learned Special Government Pleader, appearing on behalf of the respondents 1 and 2, brought to the notice of this Court that the fourth respondent possessed the requisite qualification and therefore, he was promoted.

4. However, the fourth respondent passed away and thus, no



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further adjudication is required. Even then the fourth respondent is senior in terms of service to the writ petitioner and therefore, the case of the writ petitioner is to be considered in accordance with the seniority and based on the eligibility and by following the procedures as contemplated under the Rules in force.

5. The promotion, per se, cannot be claimed as an absolute right. However, consideration for promotion is a fundamental right of an employee. Thus, the Authorities Competent, while filling up the promotional post, has to consider the names of all the eligible persons, who all are aspiring to secure promotion in accordance with the Rules in force. Therefore, the case of the petitioner is also to be considered along with all other eligible candidates in the order of seniority and by following the procedures as contemplated.

6. The petitioner, as of now, could not establish that any of his juniors were promoted. Thus, the Authorities Competent shall consider the name of all the eligible persons at the time of preparation of panel for



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promotion to the post of B.T. Assistant (Mathematics).

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7. With the abovesaid observations, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently connected miscellaneous petitions are closed.

12-10-2022

Index : Yes/No.
Internet : Yes/No.
Speaking Order/Non-Speaking Order.
Svn

To

- 1.The Secretary,
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