



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 09.02.2022**

**CORAM**

**WEB COPY**

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

**W.P. (MD) No. 2614 of 2022**

S.Selvarani,  
Headmistress in-charge,  
Sri Renuga Hindu High School,  
W.Pudupatti - 626 116,  
Virudhunagar District.

... Petitioner

Vs.

1. The Commissioner of School Education,  
DPI Campus, 17, College Road,  
Nungambakkam,  
Chennai - 600 008.

2. The Director of School Education,  
DPI Campus, 17, College Road,  
Nungambakkam,  
Chennai - 600 008.

3. The District Educational Officer,  
Sivakasi, Virudhunagar District.

4. The Secretary in-charge,  
Sri Renuga Hindu High School,  
W.Pudupatti - 626 116,  
Virudhunagar District.

... Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondents herein to consider and pass orders on the petitioner's representation dated 01.12.2021 seeking promotion as Headmistress in the fourth respondent School from 01.06.2015 onwards.

For Petitioner : Mr.E.V.N.Siva  
For Respondents : Mr.G.V.Vairam Santhosh  
Addl. Govt. Pleader for R1 to R3

**O R D E R**

The relief sought for in the present Writ Petition is to direct the respondents to consider and pass orders on the representation submitted by the writ petitioner on 01.12.2021 for promotion as Headmistress.



2. The petitioner is now working as Headmistress in-charge in the fourth respondent School with effect from 01.06.2015 onwards. The learned counsel appearing for the petitioner made a submission that the petitioner is fully qualified for the appointment to the post of Headmistress on regular basis. In this regard, the petitioner submitted a representation to all the authorities in general on 01.12.2021. Thus, the present Writ Petition is filed seeking a direction to consider the representation.

3. A direction to consider the representation cannot be issued in a mechanical manner by the High Court under Article 226 of the Constitution of India. For granting a relief in a writ proceedings, the petitioner must establish a right or infringement of right. In the event of not establishing any right, no Writ Petition needs to be entertained. It is not as if, some representations are sent to all the authorities and the Writ Petition is filed seeking a direction to consider the representation and such a relief would do no service to the cause of justice. Thus, the right or infringement of right which is mandatory must be considered for the purpose of entertaining the Writ Petition.

4. The petitioner states that she is fully qualified for the promotion to the post of Headmistress. Promotion can never be claimed as a matter of right. All promotions are to be granted strictly in accordance with rules in force and by following the procedures. A list of eligible persons / panel is to be prepared and an administrative decision is to be taken by considering the eligible persons to finalise the list and thereafter, the promotion is to be granted. Thus, it is not as if, a person eligible can submit a representation and by getting an order to consider the representation, he / she can secure promotion on regular basis. Such a procedure is unknown to law. Every promotion is to be made strictly by following the rules in force.

5. The petitioner states that she is now holding the post of Headmistress in-charge. Mere in-charge position would not confer any right to seek regular promotion. Any senior Teacher is permitted to hold the in-charge procedure in the absence of regular appointment and such in-charge procedure cannot be a ground to claim regular promotion. Therefore, the case of the petitioner has to be considered whenever a decision is taken by the administration to fill up the post of Headmistress on regular basis and all the eligible persons are to be considered in accordance with rules and grant of promotion.

6. In view of the fact that the promotion can never be claimed as a matter of right. The direction as such sought for in the present Writ Petition to consider the representation cannot be granted.



7. Accordingly, the Writ Petitions stands dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (AD-I)

WEB COPY

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

vji

To

1. The Commissioner of School Education,  
DPI Campus, 17, College Road,  
Nungambakkam,  
Chennai - 600 008.
2. The Director of School Education,  
DPI Campus, 17, College Road,  
Nungambakkam,  
Chennai - 600 008.
3. The District Educational Officer,  
Sivakasi, Virudhunagar District.

+1 CC to M/s.SPL GP ( SR-5363[F] dated 10/02/2022 )

**W.P. (MD) No. 2614 of 2022**  
**09.02.2022**

ck(CO)

GC(01.03.2022) 3P 5C