



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.03.2022

CORAM:

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

W.P. (MD)No.4396 of 2022

and WMP Nos.3705 and 3706 of 2022

WEB COPY

M.Selvakumar

... Petitioner

Vs.

1.The Managing Director
Tamil Nadu Civil Supplies Corporation
No.12, Thamusami Road, Kilpauk
Chennai 10.

2.The General Manager (Admin)
Tamil Nadu Civil Supplies Corporation
Chennai 10

3.The Regional Manager,
Tamil Nadu Civil Supply Corporation
Nagercoil

4.The Registrar
Bharathidasan University
Trichy

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the 3rd respondent to forward the name of the petitioner M.Selvakumar, ECPF No.196664 to be included in the appropriate place in the selection list issued by the 2nd respondent in Na.Ka.No.AE13/505550/2021 dated 23.02.2022 for appointment on promotion to the post of Junior Quality Inspector.

For Petitioner : Mr.K.P.S.Palanivelrajan
For Respondents : Mr.G.Mohankumar for R1 to R3

ORDER

The relief sought for in the present writ petition is to direct the third respondent to forward the name of the petitioner for inclusion in the panel for promotion to the post of a Junior Quality Inspector.

2. The petitioner is now working as seasonal bill clerk in the office of the respondent Civil Supplies Corporation.



3. The learned counsel for the petitioner states that the petitioner is fully qualified for promotion to the post of Junior Quality Inspector and provisional panel has been prepared in proceedings dated 23.02.2022 and it was communicated to the regional managers of the State including the third respondent.

4. The grievance of the writ petitioner is that he made a request to verify the certificates and include his name in the panel. However, the respondents have not completed the process of verification and meanwhile they have prepared the panel including the name of the juniors of the writ petitioner.

5. Considering for promotion is a fundamental right of an employee. However, promotion cannot be claimed as a matter of right. Mere availability of vacancy also cannot be a ground to claim promotion by the employees as an absolute right. Thus, an administrative decision is to be taken up to fill up the vacancies. While preparing the panel all eligible persons fit for promotion must be considered in the order of seniority and on verification of the service details and other qualifications. Thus, the right of considering an employee cannot be denied at no circumstances.

6. In the present case, the petitioner seeks right of consideration as his name was not even included in the provisional panel published by the respondents on 23.02.2022. The grievance of the petitioner is that the authorities ought to have verified the certificates in advance before publishing the panel. The administrative delay in this regard should not cause infringement of his right to consider his name for promotion to the post of Junior Quality Inspector.

7. The learned counsel for the respondents made an objection by stating that the certificates of the petitioners are yet to be verified and there was a delay on the part of the petitioner in submitting the form for verification of certificates. Further, the post of Junior Quality Inspector is made by way of appointment. Thus, the petitioner ought to have given the same in advance.

8. Mere delay in submitting the application form, which is otherwise a disqualification, cannot be a ground to deny the right of the petitioner for consideration in accordance with the rules in force. This being the principles to be followed, the respondents are directed to process the application of the writ petitioner, verify the eligibility as well as the qualification and if he is found otherwise eligible in accordance with the rules for promotion to the post of Junior Quality Inspector, then his name is directed to be included in the appropriate place in the order of seniority in the provisional panel already prepared by the respondents in proceedings dated 23.02.2022. The respondents are directed to complete the exercise within a period of eight weeks from the date of receipt of a copy of this order.



9. With these directions, the writ petition stands allowed. No costs. Consequently connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-I)

WEB COPY

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

RR

To

1.The Managing Director
Tamil Nadu Civil Supplies Corporation
No.12, Thamusami Road, Kilpauk
Chennai 10.

2.The General Manager (Admin)
Tamil Nadu Civil Supplies Corporation
Chennai 10

3.The Regional Manager,
Tamil Nadu Civil Supply Corporation
Nagercoil

4.The Registrar
Bharathidasan University
Trichy

+1 CC to M/s.G.MOHANKUMAR, Advocate (SR-11652[F] dated 11/03/2022)

+1 CC to M/s.K.P.S.PALANIVELRAJAN, Advocate (SR-11748[F] dated 14/03/2022)

W.P. (MD)No.4396 of 2022

11.03.2022

RD(25.03.2022) 3P 7C