



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:19.04.2022

CORAM:

WEB COPY

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

W.P. (MD)Nos.8582, 8586, 8590, 8594, 8600, 8602 and 8603 of 2020 and
WMP (MD) Nos. 7951, 7954, 7958, 7960, 7964, 7967 and 7968 of 2020

S. Ruban Prince Vinoth Kumar

... Petitioner in WP(MD). 8582/ 2020

V.Venkateswaran ... Petitioner in WP(MD). 8586/ 2020

B.Esakkimuthu ... Petitioner in WP(MD). 8590/ 2020

M.Chitra Devi ... Petitioner in WP(MD). 8594/ 2020

C.S.Christopher ... Petitioner in WP(MD). 8600/ 2020

A.Jeyaprakash ... Petitioner in WP(MD). 8602/ 2020

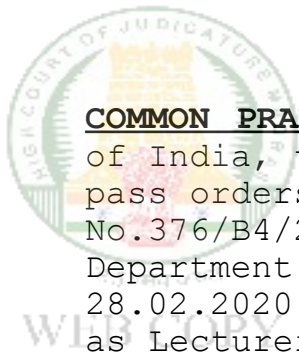
P..Soundararajan ... Petitioner in WP(MD). 8603/ 2020

Vs.

1.The State of Tamil Nadu
Rep. by its Secretary to Government
Higher Education Department
Fort St. George, Chennai-600009.

2.The Commissioner,
Directorate of Technical Education
Sardar Patel Road,
Guindy, Chennai 600 025.

3.Teachers Recruitment Board,
Rep. by its Member Secretary
4th floor, EVK Sampath Maaligai
DPI compound, College Road,
Chennai 600 006. ... Respondents in all cases



COMMON PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the 1st respondent to pass orders on the proposal forwarded by the 2nd respondent in Letter No.376/B4/2007 dated 13.02.2007 to the Ministry of Higher Education Department and also consider the petitioner's representation dated 28.02.2020 and pass appropriate orders by appointing the petitioner as Lecturer in Government Polytechnic College taking into account of his qualification from the date on which the petitioner is eligible for promotion and to grant all consequential benefits.

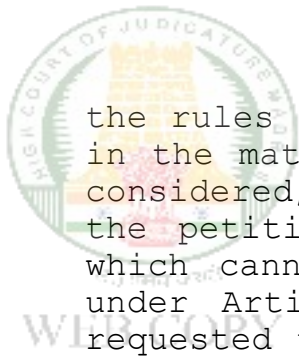
For Petitioners	: Mr.H.Arumugam(in all cases) for M/s.P.P.Alwin Balan
For Respondents	: Mr.G.V.Vairam Santhosh Addl.Government Pleader for R1 & R2(in all cases)

COMMON ORDER

The relief sought for in the present writ petitions is to direct the respondents to pass orders on the proposal forwarded by the second respondent in Letter No.376/B4/2007 dated 13.02.2007 to the Ministry of Higher Education Department and also consider the petitioner's representation dated 28.02.2020 and pass appropriate orders by appointing the petitioner as Lecturer in Government Polytechnic College taking into account of his qualification from the date on which the petitioner is eligible for promotion and to grant all consequential benefits.

2.The petitioners were appointed as Workshop Instructors in Government Polytechnics. The petitioners acquired qualification of B.E., degree and M.E. Degree, which is a requisite qualification for promotion to the post of Lecturers in teaching line. The next avenue for promotion is to the post of Instructors/Lecturers in teaching cadre. However, the post of Instructors was already abolished by the Government long back. Thus, the petitioners state that their cases have to be considered for promotion to the post of Lecturers in accordance with the Rules in force. In this regard, the learned counsel for the petitioners reiterated that the second respondent sent proposals to the first respondent for considering all such cases for promotion. However, the first respondent has not passed any orders so far. Thus, the petitioners have constrained to move the present writ petitions.

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. Consideration for promotion is a fundamental right of employees. Once an administrative decision is taken to fill up the promotional post, then the names of all the eligible persons, who are all aspiring to acquire the promotion to the higher post, are to be considered in the light of the seniority and by following



the rules in force. This being the basic principles to be followed in the matter of promotion, the case of the writ petitioners to be considered, no doubt in accordance with law. In the present cases, the petitioners have not sought for any direction for promotion, which cannot be considered by the high Court in writ proceedings under Article 226 of the Constitution of India. But they have requested this Court to direct the first respondent to consider the proposal already sent by the second respondent. If at all any such proposals has been received by the first respondent, the first respondent has to look into the proposal and take appropriate decision on merits and in accordance with law and pass orders as expeditiously as possible in accordance with the rules in force.

4. With this direction, the writ petitions stand disposed of. No costs. Consequently connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS I)

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/ /2022

Sub Assistant Registrar(CS)

RR

To

1.The Secretary to Government
Higher Education Department
Fort St. George, Chennai-600009.

2.The Commissioner,
Directorate of Technical Education
Sardar Patel Road,
Guindy, Chennai 600 025.

3.Member Secretary,
Teachers Recruitment Board,
4th floor, EVK Sampath Maaligai
DPI compound, College Road,
Chennai 600 006.

+1 CC to M/s.P.P.ALWIN BALAN, Advocate (SR-19919[F] dated 20/04/2022)

+1 CC to M/s.SPL.GP. (SR-19745[F] dated 20/04/2022)

W.P. (MD)Nos. 8582,8586,8590, 8594, 8600, 8602 and 8603 of 2020

19.04.2022

MGJ(28.04.2022) 3P 6C