



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

DATED:11.04.2022

CORAM:

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

**W.P. (MD)No.6641 of 2022**

WEB COPY

T.Peter

... Petitioner  
Vs.

1.The Secretary to Government  
Health and Family Welfare Department  
Secretariat  
Chennai.

2.The Director of Medical Education  
Department of Medical Education  
Kilpauk, Chennai

3.The Dean  
Madurai Medical College  
Madurai.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus to direct the respondents 1 and 2 to consider the petitioner request and promote him as Associate Professor in the Pharmacology Department under the 2<sup>nd</sup> respondent within the period stipulated by this Court.

|                 |                                                           |
|-----------------|-----------------------------------------------------------|
| For Petitioner  | : Mr.M.Mohamed Sherbudeen                                 |
| For Respondents | : Mr.G.V.Vairam Santhosh<br>Additional Government Pleader |

**ORDER**

The relief sought for in the present writ petition is to direct the respondents 1 and 2 to consider the petitioner's request and promote him as Associate Professor in Pharmacology Department under the second respondent within the period stipulated by this Court.

2.The petitioner is now working as Assistant Professor in the Institute of Pharmacology at Government Medical College, Madurai. The next avenue for promotion is Associate Professor.

3.The learned counsel for the petitioner states that the petitioner is fully qualified for promotion to the post of Associate Professor. The Directorate of Medical Education in letter dated 14.06.2019 issued instructions for preparation of panel for the post of Associate Professor in Pharmacology Department. Though particulars are called for, no further action was taken. Thus, the petitioner is constrained to move the present writ petition.



4. Merely issuing a circular calling for particulars for the preparation of panel would not confer any right on the writ petitioner to seek the relief of promotion. Promotion per se cannot be claimed as a matter of right. Consideration for promotion is a fundamental right of an employee. Therefore, an administrative decision is to be taken to fill up the promotional post. Once a decision is taken thereafter the authorities have to prepare the panel by considering the names of all the eligible persons, who are all aspiring to secure promotion to the higher post. Thereafter promotions are to be granted strictly in accordance with the rules in force. Therefore, promotion itself is not an absolute right of an employee. Promotions are to be granted in accordance with the rules. Mere preparation of panel or calling the particulars would not be construed as a right of an employee and therefore, the prayer sought for in the present writ petition is misconceived and the petitioner has failed to establish any service right for the purpose of considering the relief.

5. Whenever the authorities competent take a decision to fill up the post and at the time of preparation of panel, the names of all the eligible persons are to be considered including the name of the petitioner, if he is otherwise qualified for the promotional post in accordance with the rules in force. This being the principles to be followed, the petitioner has not established even a semblance of legal right for the purpose of considering the relief and accordingly, the writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

RR

To

1. The Secretary to Government  
Health and Family Welfare Department  
Secretariat Chennai.

2. The Director of Medical Education  
Department of Medical Education  
Kilpauk, Chennai

3. The Dean  
Madurai Medical College, Madurai.

+1 CC to M/s.SPL.GP ( SR-17968[F] dated 11/04/2022 )

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