



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 19.04.2022
CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WEB COPY

W.P.(MD) No.7670 of 2020
W.M.P(MD).Nos.7169 and 7174 of 2020

P.Karnan

... Petitioner

Vs.

1.The Director of Fisheries,
Having Office at
Third Floor, Integrated,
Animal Husbandry and Fisheries Building,
Nandanam,
Chennai-600 035.

2.J.Sailaja

3.M.Vijayalakshmi

4.A.Krishnika

5.R.Prabhu

... Respondents

Respondent Nos.2 to 5 are
impleaded as per the order of
this Court dated 19.04.2022 in
W.M.P(MD).No.4461 of 2022 in
W.P(MD).No.7670 of 2020.

Petition filed under Article 226 of the Constitution of India
praying for issuance of Writ of Certiorarified Mandamus, calling for
the records relating to the impugned order passed by the respondent
in Na.Ka.No.7780/M1/2020 dated 16.06.2020 and consequently directing
the respondents to promote the petitioner to the post of Inspector
of Fisheries by preparing a fresh seniority list for the year 2020-
21.

For Petitioner : Mr.E.K.Kumaresan

For Respondents : Mr.A.K.Manikkam
Special Government Pleader

O R D E R

The Circular issued by the first respondent in proceedings
dated 16.06.2020 inviting particulars of eligible persons who are

<https://hcservices.ecourts.gov.in/hcservices/>



all fit for promotion to the post of Inspector of Fisheries is under challenge in the present Writ Petition.

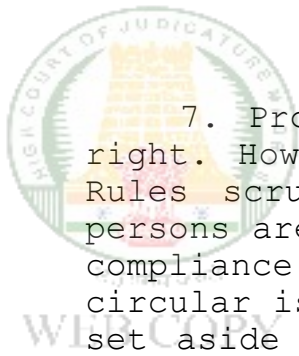
2. The petitioner is working as Sub-Inspector of Fisheries and claims that he is fully qualified for promotion to the post of Inspector of Fisheries. The petitioner states that he has completed departmental examination as per the guidelines issued by the Commissioner of Fisheries. Thus, his claim ought to have been considered for promotion to the post of Inspector of Fisheries. The claim of the petitioner is that the seniority has not been properly considered by the Competent Authorities, while preparing the panel. Thus, the petitioner is constrained to file the present writ petition to implement the seniority list by properly preparing the same and accordingly, grant promotion.

3. The learned Special Government Pleader appearing for the respondent raised an objection by stating that the writ petition is pre-mature and the impugned proceedings are nothing but inviting particulars of the employees, who are eligible and fit for promotion to the post of Inspector of Fisheries. Such particulars would not provide a cause to file the present writ petition.

4. The learned counsel appearing for the contesting respondents in support of the contention raised by the learned Special Government Pleader reiterated that the petitioner has no cause for filing the writ petition and the interim order granted by this Court caused deprivation of promotional opportunity to other senior employees who are aspiring to secure promotion to the post of Inspector of Fisheries.

5. A perusal of the impugned order reveals that the Commissioner of Fisheries Department has invited particulars of the eligible employees working in the Cadre of Sub-Inspector of Fisheries for the purpose of preparing the panel for promotion to the post of Inspector of Fisheries as on 01.05.2020.

6. Such a circular would not provide a cause for the writ petitioner to maintain the writ petition. The particulars are called for by the petitioner to publish the approved list. If at all the petitioner is having any grievance, he is at liberty to submit his objection at that stage which would have been considered by the Competent Authority. Contrarily, he cannot challenge the proceedings inviting particulars of the eligible employees for inclusion of their names in the final panel to be published. Thus, the order impugned cannot be construed as an order affecting the rights of the petitioner and there are several stages to be followed for finalisation of promotion. The petitioner is at liberty to avail the particulars by raising his objection if any before the Competent Authorities and mere issuance of circular inviting the details of the employees would not provide a cause for the purpose of filing a writ petition.



7. Promotion itself cannot be claimed as a matter of absolute right. However, the promotions are to be granted by following the Rules scrupulously by the Authorities. The name of the eligible persons are to be considered in accordance with the seniority and in compliance with the Rules in-force. Therefore, mere issuance of circular is not a ground to claim promotion or to seek the relief to set aside the circular which would not provide any relief to the petitioner except prolonging the process of preparation of panel which causes deprivation of promotional opportunity to the eligible persons, who are waiting for promotion to the post of Inspector of Fisheries.

8. This being the facts and circumstances, the petitioner has not established any right for the purpose of considering the relief and the petitioner is at liberty to raise his objections at the time of preparation of panel to the Authorities.

9. With these observations, the Writ Petition stands dismissed. No costs. Connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

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/ /2022

Sub Assistant Registrar(CS)

To

The Director of Fisheries,
Having Office at
Third Floor, Integrated,
Animal Husbandry and Fisheries Building,
Nandanam,
Chennai-600 035.

+1 CC to M/s.B. SARAIVANAN, Advocate (SR-19671[F] dated 20/04/2022)

+1 CC to M/s.SPL.GP. (SR-19739[F] dated 20/04/2022)

W.P. (MD) No.7670 of 2020

Date:19.04.2022

SA(25.05.2022) 3P 4C