



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.02.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.3597 of 2019

and

W.M.P. (MD) No.2818 of 2019

WEB COPY

Murugan

... Petitioner

-vs-

1.The Principal Secretary,
Department of Municipal Administration &
Drinking Water Supply,
Secretariat, Chennai.

2.The Commissioner,
O/o.The Commissioner,
Dindigul Municipal Corporation,
Dindigul District.

3.The Health Officer,
Dindigul Municipal Corporation,
Dindigul.

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order in கு.கோ.No.146/2018/H2 dated 20.04.2018 on the file of the 3rd respondent and quash the same as unconstitutional and illegal and consequently direct the Respondents No.1 to 3 to promote the petitioner to the post of Supervisor or on equivalent post in the 2nd respondent Corporation.

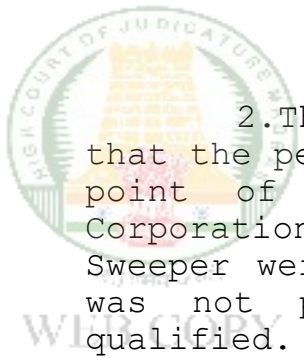
For Petitioner : Mr.A.Rajini

For R1 : Mr.D.Sadiq Raja,
Additional Government Pleader

For RR2 & 3 : Mr.J.Lawrance,
Standing Counsel

O R D E R

The grievances of the petitioner is that his claim for promotion to the post of Office Assistant was rejected by the 3rd respondent without any acceptable reason and therefore, the petitioner is constrained to move the present writ petition.



2.The learned counsel for the petitioner made a submission that the petitioner was appointed as Sweeper and during the relevant point of time, the 2nd respondent was Municipality and now Corporation. In the year 2012, four persons working in the cadre of Sweeper were promoted to the post of Supervisor and the petitioner was not promoted subsequently, despite the fact that he is qualified.

3.The learned counsel for the petitioner states that the educational qualification prescribed for the post of Office Assistant, even as of now, is X-Std completed. However, it is not stated that the employee must have passed SSLC. Therefore, the petitioner is qualified for promotion to the post of Office Assistant.

4.The learned Additional Government Pleader appearing on behalf of the Department made a submission that even in case that the petitioner is qualified, his case was not considered in view of the fact that no post is created enabling the authorities to consider promotion.

5.Mere possessing a qualification would not confer any right for promotion. All promotions are to be made strictly in accordance with the rules in force. An administrative decision is to be taken to fill up the vacancies and after taking a decision, all the eligible employees, who are waiting for promotion, are to be considered in accordance with the rules and by following the seniority. This being the procedure to be followed, the case of the petitioner is also to be considered along with all other eligible persons, who all are waiting for promotion to the post of Office Assistant and at the time of time grant of promotion, qualification, eligibility and other criteria are to be scrupulously followed by the competent authorities.

6.With the above clarification, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

abr



To

1.The Principal Secretary to Government,
The State of Tamil Nadu,
Department of Municipal Administration &
Drinking Water Supply,
Secretariat, Chennai.

2.The Commissioner,
O/o.The Commissioner,
Dindigul Municipal Corporation,
Dindigul District.

3.The Health Officer,
Dindigul Municipal Corporation, Dindigul.

+1 CC to M/s.S.SARVAGANPRABHU, Advocate (SR-7565[F] dated
21/02/2022)

+1 CC to M/s.J.LAWRANCE, Advocate (SR-7690[F] dated 22/02/2022)

+1 CC to M/s.SPL GP (SR-7798[F] dated 22/02/2022)

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