



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

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W.P. (MD) Nos.24913 & 24998 of 2019

P.Sudalaimadan

... Petitioner
in W.P.(MD) No.24913 of 2019

V.Murugan

... Petitioner
in W.P.(MD) No.24998 of 2019

vs.

1.The District Collector
Collectorate
Thoothukudi-628 101
Thoothukudi District

2.Assistant Director
Panchayat
Kokaraikulam
Thirunelveli-627 009
Tirunelveli District

... Respondents 1 & 2 in both W.Ps.

3.Executive Officer
Panchayat Board
Udangudi-628 203
Thiruchendur Taluk
Thoothukudi District

... 3rd Respondent
in W.P.(MD) No.24913 of 2019

4.Executive Officer
Selection Grade Panchayat Board
Nazareth 628 617
Thoothukudi District

... 3rd Respondent
in W.P.(MD) No. 24998 of 2019

PRAYER (in W.P.(MD) No.24913 of 2019): Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the 3rd respondent to consider the petitioner's representation dated 28.10.2019 and to promote the petitioner as Public Health Maistry (Sanitary Maistry) in the 3rd respondent from the date of eligibility.

PRAYER (in W.P.(MD) No.24998 of 2019): Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the 3rd respondent to consider the petitioner's representation dated 20.04.2018 and to promote the petitioner as Public Health Maistry (Sanitary Maistry) in the 3rd respondent from the date of eligibility.



For Petitioner : Mr.V.Rajiv Rufus
(in both W.Ps.)

For Respondents : Mr.D.Sadiq Raja
(in both W.Ps.) Additional Government Pleader

C O M M O N O R D E R

The relief sought for in the present writ petitions is to direct the third respondent to promote the petitioners as Public Health Maistries (Sanitary Mastries) in the third respondent Panchayat.

2. This Court is of the considered opinion that all promotions are to be granted strictly in accordance with the Promotion Rules in force. Promotion per se cannot be claimed as a matter of right. Consideration for promotion is a right of an employee. Thus, whenever an administrative decision is taken to fill up the vacancies by promotion, the name of eligible persons are to be considered in accordance with the Rules in force. Thus, by merely filing a writ petition seeking promotion cannot be granted and such a prayer in the absence of any valid reasons cannot be granted.

3. With the above observations, the writ petitions are dismissed. No costs.

Sd/-

Assistant Registrar (R)

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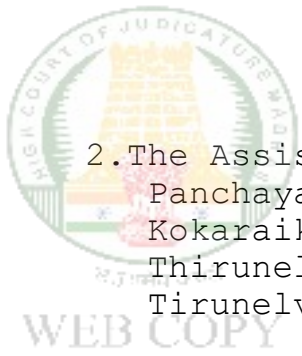
/ /2022

Sub Assistant Registrar(CS)

krk

To:

1.The District Collector,
Collectorate,
Thoothukudi-628 101,
Thoothukudi District.



2.The Assistant Director,
Panchayat,
Kokaraikulam,
Thirunelveli-627 009,
Tirunelveli District.

3.The Executive Officer,
Panchayat Board,
Udangudi-628 203,
Thiruchendur Taluk,
Thoothukudi District.

4.The Executive Officer,
Selection Grade Panchayat Board,
Nazareth 628 617,
Thoothukudi District.

+1 CC to M/s.V. RAJIV RUFUS, Advocate (SR-22489[F] dated 29/04/2022)

+1 CC to M/s.SPL.GP (SR-23260[F] dated 02/05/2022)

ORDER MADE IN
W.P. (MD) Nos.24913 & 24998 of 2019
28.04.2022

PKP/01.06.2022/3P/7C