



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.02.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.27091 of 2019

and

W.M.P (MD) .Nos.23430 and 23428 of 2019

M.Rengasamy

... Petitioner

Vs.

1. The Director,
The Directorate of Town Panchayat,
7th and 8th Floor,
Urban Administrative Office,
Chennai-600 028.
2. The District Collector,
Theni District, Theni.
3. The Assistant Director of Town Panchayat,
Theni,
Theni District.
4. The Executive Officer,
Town Panchayat,
Andipatti,
Theni District.
5. Ragunath,
Sanitary Supervisor,
Andipatti Town Panchayat,
Theni District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the appointment impugned order passed by the second respondent in Na.Ka.No.1781/2019/Peru2 dated 29.11.2019 appointing the fifth respondent as Sanitary Supervisor in the fourth respondent Town Panchayat and quash the same and further direct the fourth respondent to promote the petitioner as Sanitary Supervisor.



For Petitioner
For Respondent

: Mr.T.S.Mohamed Mohideen
: Mr.N.Satheesh Kumar
Additional Government Pleader
for RR1 to 4
No-appearance for R5

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O R D E R

Promotion *per se* cannot be claimed as a matter of right. Admittedly, the petitioner was appointed as Sanitary worker and he seeks promotion to the post of Supervisor. All promotions are to be granted strictly in accordance with the Rules in-force. An administrative decision is to be taken to fill up the vacancies and thereafter, the name of all eligible persons, who are all aspiring for promotion, are to be considered in the order of seniority.

2. This being the principles to be followed, in the present case, the petitioner could not able to establish that his junior in the post of Sanitary worker has been promoted to the Post of Sanitary Supervisor. Contrarily, one post of Sanitary Supervisor was filled up by way of compassionate appointment, which is a different mode of appointment. Therefore, the right of promotion would arise only if the junior has been promoted or the Rules relating to the promotions are violated, but not otherwise. In the present case, the fifth respondent was appointed on compassionate ground and therefore, the petitioner cannot be construed as aggrieved person nor any right to the petitioner to seek any relief from the hands of this Court.

3. However, the learned Additional Government Pleader made a submission that whenever the vacancy arises, the case of the writ petitioner will be considered in accordance with the seniority and based on his eligibility.

4. Accordingly, the Writ Petition stands dismissed. No costs. Connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AE)

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/ /2022

Sub Assistant Registrar (CS)

ssb



To

1. The Director,
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7th and 8th Floor,
Urban Administrative Office,
Chennai-600 028.

2. The District Collector,
Theni District, Theni.

3. The Assistant Director of Town Panchayat,
Theni, Theni District.

4. The Executive Officer,
Town Panchayat,
Andipatti,
Theni District.

+1 CC to M/s.T.S.MOHAMED MOHIDHEEN, Advocate (SR-8445[F] dated 24/02/2022)

+1 CC to M/s.SPL GP (SR-8394[F] dated 24/02/2022)

W.P. (MD) No.27091 of 2019

23.02.2022

USK/04.03.2022/3P/7C