



W.P.(MD) No.14215 of 2019

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.(MD) No.14215 of 2019

Nagarajan

... Petitioner

-VS-

1.The Principal Secretary to
Government of Tamil Nadu
Department of Health and Family Welfare
Secretariat, Chennai

2.The Director of Public Health
and Preventive Medicine
Chennai

3.The Deputy Director of Health Services
Aranthangi Post and Taluk
Pudukkottai District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents to give notional promotion to the petitioner as Health Inspector from the date of his initial appointment and ordered to grant monetary benefits by refixing the pension.



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For Petitioner : Mr.P.Ganapathi Subramanian

For Respondents : Ms.J.Jeya Priya
Government Advocate

ORDER

The prayer in this writ petition is for a mandamus to direct the respondents to give notional promotion to the petitioner as Health Inspector from the date of his initial appointment and grant monetary benefits by refixing the pension.

2. The case of the petitioner is that he has got the educational qualification, namely, Sanitary Inspector course at the time of his initial recruitment itself.

3. Just because he has got a higher qualification or appropriate qualification for the post of Health Inspector, once he is appointed by way of a fresh recruitment to a post, he cannot claim the higher post on the first day itself i.e. from the date of his initial appointment itself in the name of promotion. Therefore, the prayer as such made in this writ petition is untenable.



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4. Further, even this Court went through the representation filed by the petitioner on 28.02.2019. It seems that the petitioner has some grievance on account of many of his juniors, who did not even have the qualification of Sanitary Inspector course at the time of their appointment, but got only at a later point of time, are receiving emoluments and better benefits. That may be so. But, that will not give a concomitant legal right for the petitioner. The petitioner very well had the Sanitary Inspector course qualification as on the date of his recruitment. If he had wanted the post of Health Inspector, he should have applied for the same and got appointed to the said post. Having been appointed to a lower post and having been selected and gained promotion only from a later date and retired from service, after superannuation, the petitioner cannot attempt to rewrite his entire service history and past, by way of a representation and his case is absolutely without any merits and as such, this writ petition is dismissed. No costs.

07.07.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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