



W.P.(MD).No.10210 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 10.11.2023

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THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD).No.10210 of 2016

and

W.M.P.(MD).Nos.7972 and 8648 of 2016

V.Mangaiarkarasi

.. Petitioner

Vs.

1.The Commissioner of Technical Education,
Directorate of Technical Education,
Sardar Patel Road,
Guindy,
Chennai – 25.

2.The Principal,
Government Engineering College,
Tirunelveli – 627 007.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the Respondent No.1 to provide promotion to the petitioner in the post of Associate Professor, Department of Civil Engineering with effect from June 2010 and to include the name of the petitioner in the Promotion Panel for the post of Professor by re-fixing the seniority considering the representation of the petitioner dated 02.05.2016 within the time period stipulated by this Court.



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For Petitioner : Mr.R.Hariharaselvan
for Mr.T.Cibi Chakraborty

For Respondents : Mr.T.Amjad Khan
Government Advocate

ORDER

The petitioner seeks for a Writ of Mandamus to direct the first respondent to provide promotion to the petitioner in the post of Associate Professor, Department of Civil Engineering with effect from June 2010 and to include the name of the petitioner in the Promotion Panel for the post of Professor by re-fixing the seniority by considering her representation dated 02.05.2016 within the time period stipulated by this Court.

2. The learned Government Advocate appearing for the respondents drew my attention to paragraph No.5 of the counter affidavit to state that during the relevant period, for which the petitioner seeks promotion in June 2010, she had not completed the minimum requirement of five years from the date of acquisition of Master of Engineering degree. For the panel for the year 2009-2010, she had put in only three years and ten months of service before the crucial date, i.e., 01.03.2009. For the crucial date on



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01.03.2010, she had completed only four years and ten months of service.

Therefore, when the petitioner does not have the minimum qualification necessary for the promotion, the petitioner is not entitled for a Mandamus. Consequently, the prayer sought for in the Writ Petition cannot be granted.

3. At this stage, the learned counsel for the petitioner submits that the petitioner was recommended for promotion for the panel for the year 2012-13 and it had been rejected on the basis of the amendment, which came into force on 2017. I cannot grant the said relief in the present Writ Petition. It is open to the petitioner to challenge the same in accordance with law.

4. With the above observations, the Writ Petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

10.11.2023

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



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V.LAKSHMINARAYANAN,J.

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