



W.P.No.18566 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :16.08.2024

CORAM

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.P.No.18566 of 2013 and
M.P.No.1 of 2015

G.Krishnaveni

... Petitioner

Vs.

1.The Government of Tamil Nadu,
Rep by its Secretary,
Municipal Administration and
Water Supply Department,
Fort St.George, Chennai 600 009.

2.The Government of Tamil Nadu,
Rep by its Secretary,
Health and Family Welfare Department,
Fort St.George, Chennai 600 009.

3.The Corporation of Chennai,
Rep. by its Commissioner,
Rippon Buildings, Chennai 600 003.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to promote the petitioner to the post of Deputy Communication Officer in the third respondent Corporation.

For Petitioner : Mr.S.Parthasarathy

For Respondents : Mr.A.M.Ayyadurai, GA for R1 & R2



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Mr.G.T.Subramanian,
Standing Counsel for R3

ORDER

This Writ Petition has been filed for the issuance of a Writ of Mandamus, to direct the respondents to promote the petitioner to the post of Deputy Communication Officer in the third respondent Corporation.

2. It is the case of the petitioner that she was appointed as Public Health Nurse in the third respondent Corporation in the year 1990. Subsequently, the said post was re-designated as Maternal and Child Health Officer. Later, the petitioner had obtained M.A. (Sociology) in the year 1998. The petitioner would also state that by virtue of the proceedings dated 09.06.1999, she was appointed as Deputy Communication Officer on deputation and subsequently, she has been reverted to her parent department.

3. It is the contention of the learned counsel for the petitioner that for the post in which the petitioner has been serving, has no further promotion. Therefore, she has given a representation on 06.06.2013 to the third respondent to consider her for the post of Deputy Communication



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Officer. Hence, the petitioner is before this Court seeking promotion to the post of Deputy Communication Officer.

4. It is a well settled principle of law that such a direction cannot be issued in the Writ jurisdiction, as the right to promotion is not the fundamental right, but right to be considered for promotion to be fundamental right and can be enforced through the Writ jurisdiction. It is useful to refer *(2022) 12 SCC 579 (Ajay Kumar Shukla and Others Vs. Arvind Rai and Others)*.

5. At this juncture, the learned counsel for the petitioner would submit that the petitioner has already given a representation in this regard. What she want now is only a restricted relief of directing the third respondent to consider the representation of the petitioner dated 06.06.2013.

6. The learned Standing Counsel for the third respondent fairly conceded that so far no order has been passed on the representation dated 06.06.2013.

7. Therefore, this Court is of the view that a direction may be issued to the third respondent to consider the petitioner's representation dated 06.06.2013 and pass orders in accordance with law and upon its



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own merits.

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8. In the result, this Writ Petition is partly allowed and the third respondent is directed to consider the representation of the petitioner dated 06.06.2013 and pass orders in accordance with law and on its own merits, within a period of three months from the date of receipt of a copy of this order. It is made clear that it is for the respondents to consider whether the petitioner is eligible to be considered for promotion or not. Any observation made in this order will in no way affect the respondents to consider the representation of the petitioner on its own merits. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes /No
Speaking / Non-speaking
Neutral Citation : Yes / No
gsk

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To

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C.KUMARAPPAN, J.

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