



W.P.No.24334 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.08.2025

CORAM

THE HONOURABLE MS. JUSTICE P.T. ASHA

W.P.No.24334 of 2024 and
W.M.P.No.26583 of 2024

S.Ruban Prince Vinothkumar

...Petitioner

Vs.

1.The State of Tamil Nadu,
Rep by its Principal Secretary to Government,
Higher Education Department,
Secretariat, Fort St.George,
Chennai - 600 009.

2. The Commissioner/Director
Directorate of Technical Education,
Guindy, Chennai - 600 025.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order issued by the 1st Respondent in letter 1(D) No.183 Higher Education (C2) Department dated 03.08.2021 and to quash the same and consequently directing the Respondents to promote the Petitioner to the post of Instructor on par with junior viz., Mr.K.Chandrasekaran promoted as per G.O.Ms.No.168 Higher Education (C2) Department dated 26.09.2014 with all consequential other attendant benefits.

For Petitioner : MR.G.Sankaran, Senior Counsel



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for Mr.S.Bharathi Rajan

For Respondents : Mr.C.Jayaprakash,
Government Advocate

ORDER

The writ petition is filed for the relief herein below set out:

"to call for the records relating to the impugned order issued by the 1st Respondent in letter 1(D) No.183 Higher Education (C2) Department dated 03.08.2021 and to quash the same and consequently directing the Respondents to promote the Petitioner to the post of Instructor on par with junior viz., Mr.K.Chandrasekaran promoted as per G.O.Ms.No.168 Higher Education (C2) Department dated 26.09.2014 with all consequential other attendant benefits".

2. The brief facts which are culminated in the filing of this writ petition are set out below:

2.1. It is the case of the petitioner that he was appointed as Workshop Instructor on 26.09.1997 with Diploma qualification at the Government Polytechnic College, Nagercoil, Kanyakumari District. Thereafter, he passed B.E degree in first class in the month of April 2005 and a M.E Degree in May 2011. The petitioner continued as Workshop Instructor for more than 26 years. By G.O.M.s.No.1364 Education Department 16.08.1988, the Government had



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issued orders amending the special Rules to the post of Instructor introducing promotion opportunities to the lower category viz., Foremen/Boiler Foreman/ Electrical Foreman/Workshop Instructor/ Draughtsmen in the respective branch of engineering with two years of service as Instructor. This order was given retrospective effect from 23.12.1981.

2.2. The petitioner would submit that though he was qualified he was not considered and therefore he filed W.P.No.12365 of 2009 and by Order dated 03.01.2012, this Court had directed the respondents to consider his request within a stipulated time. The 2nd Respondent rejected the request by order dated 11.07.2012 stating that the post of Instructor has been discontinued as per GO.M.s.No.1081 dated 19.08.1989.

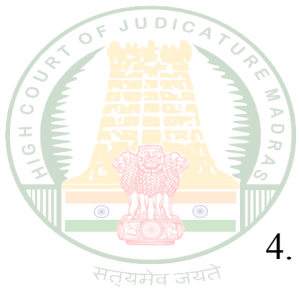
2.3. The petitioner would further submit that the similarly placed persons had filed W.P.No.4894 of 1993, W.P.No.7656 of 1993 and W.P.No.9111 of 1997, wherein this Court had passed orders on 21.12.2000 and 10.9.2004 to consider their claim in the available vacancies for being promoted to the post of Instructor. The Writ appeals filed by the Government in W.A.No.1039 of 2006 and W.A.No.207 of 2002 were also dismissed on



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01.08.2007. Consequently the petitioners therein were considered for promotion to the post of Instructor.

3. Also, other similarly placed persons namely Seralathan and 4 others had filed W.P.No.848 of 2008, which was allowed by this Court on 23.02.2010 with a direction to promote the petitioners as Instructors and W.A.No.1909 of 2010 filed by the respondents was dismissed on 22.08.2011. One Chandrasekaran and Nagarajan had also filed similar writ petitions in W.P.No.8327 and 8328 of 2011, the same were allowed and Order passed in that Writ Petition were also complied with. The said Chandrasekaran who was given promotion as Instructor was the petitioner's junior in the Government Polytechnic College, Trichy. The petitioner's junior has been given promotion overlooking the petitioner's seniority. Therefore, the petitioner had filed W.P.No.15046 of 2018 for a mandamus to promote the petitioner in the post of Instructor on par with his junior. This Court had directed the respondents to consider the representation on par with his junior Chandrasekaran by order dated 05.03.2021. Thereafter, the 1st respondent had passed an impugned order rejecting the request. Hence the petitioner is before this Court.



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4. Heard the learned counsels on either side and perused the records.

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5. Mr.C.Jayaprakash, Government Advocate appearing on behalf of Respondents would bring to the notice of this Court that the present Writ Petition is not maintainable in the light of the fact that the order passed in W.A.No.886 of 2022 and the order in Review Application No.226 of 2022. A perusal of the order in W.A.No.886 of 2022 which was considered along with the batch of Writ Appeals would show that the request made by the various Writ Petitioners for being appointed to the post of Instructors was declined by the Hon'ble Division Bench by its order dated 13.07.2002. The Hon'ble Division Bench had observed that a conscious policy decision taken by the Government to abolish the post of "Instructor" which was a consequence of implementing the AICTE guidelines which mandated that the entry level post for teaching in Government aided Polytechnics would be Lecturer. The Hon'ble Division Bench had held that restructuring and re-organizing of cadre structure necessitated abolishing the post. Accordingly, G.O.Ms.No.184 dated 15.10.2014 came to be passed omitting/abolishing the post of Instructor. The Bench observed that the G.O.M.S.184 had not been challenged and in these circumstances, the post of Instructor was a non existent post. The learned



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Judge had observed that no person has a vested right for promotion and he only

has to right to be considered for promotion. The status of the employees are covered by the Service Rules and outside of the Rules, the employee cannot claim any right. The Bench had discussed the reasons for abolishing the post of Instructor and had observed that the Government was justified in abolishing the post. Ultimately, the appeal filed by the Government was allowed. It is also seen that the Petitioner herein had filed a Review Application in Review Application No.226 of 2022 seeking to review the order in W.A.No.886 of 2022. The Bench however dismissed the review on the ground that the ground raised by the Review Petitioner had already addressed in the judgment in common judgment in W.A.886 of 2022.

6. After the writ appeal was allowed and the review application was dismissed, the petitioner has now sought to challenge the order passed as early as in 2021. i.e., 03.08.2021. Considering the fact that there is no post as Instructor and it's abolition having been upheld by the Hon'ble Division Bench of this Court, the petitioner's claim in the present Writ Petition is totally unfounded. Consequently, I see no reason to set aside the order passed by the 1st Respondent and that apart consequential relief as claimed by the petitioner



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has already been dismissed in the earlier round of litigation. Therefore, the

Writ Petition is dismissed. Consequently, connected miscellaneous petition is

closed. There shall be no order as to costs.

19.08.2025

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Index : Yes/No

Internet : Yes/No

Speaking Order/Non-Speaking Order

Neutral Citation Case : Yes/No

To

1. The State of Tamil Nadu,
Rep by its Principal Secretary to Government,
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Secretariat, Fort St. George,
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P.T.ASHA J.

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