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W.A.NO.1290 OF 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.08.2026

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

W.A. NO.1290 OF 2025
AND
C.M.P. NO.9814 OF 2025

1.The Registrar
Bharathiar University
Coimbatore – 641 046.

2.Vice Chancellor
Bharathiar University
Coimbatore – 641 046.

... Appellants

-VS-

1.Dr.P.Manju Pushpa

2.University Grants Commission
Bahadurshah Zafar Marg,
New Delhi – 110 002.

... Respondents

(R2 – *Suo motu* impleaded vide Court
order dated 21.04.2025 made in
W.P.Nos.1290 of 2025 and CMP
No.9814 of 2025)

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent,
praying to set aside the order dated 19.10.2023 made in W.P.No.24015
of 2021.



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For Appellants : Mr.M.Ajmal Khan
Senior Counsel
for M/s.Ajmal Associates

For Respondent-1 : Mr.L.Chandrakumar

For Respondent-2 : Mr.B.Rabu Manohar
Central Government Standing Counsel

JUDGMENT**(Judgment of the Court was made by S.M.Subramaniam, J.)**

Under assail is the writ order dated 19.10.2023 passed in W.P.No.24015 of 2021. The present intra-court appeal has been instituted by the Registrar of Bharathiar University along with Vice Chancellor, Bharathiar University, Coimbatore. The first respondent herein filed a writ petition claiming grant of Career Advancement Scheme (CAS) benefits as and when the same fell due with all accrued service benefits thereto. The rejection order passed also came to be challenged. Since the writ Court allowed the claim, the present writ appeal.

2.Mr.M.Ajmal Khan, learned Senior Counsel appearing on behalf of the appellants would mainly contend that the University Grants Commission (UGC) contemplated procedures for grant of Career

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Advancement Scheme (CAS) to the teaching staffs in Universities / Colleges. Various conditions are provided for eligibility. On satisfaction of the eligibility criteria, a teaching staff is to be considered for grant of Career Advancement Scheme (CAS). However, the writ Court had issued a direction to promote the first respondent from the year 2012. During the said period, the first respondent was working as as Assistant Professor, on contract basis. The conditions stipulated are to be scrutinised by the Screening – cum – Evaluation Committee constituted with reference to the service records of the teaching staffs. Therefore, the direction issued by the writ court to promote the first respondent is not in consonance with the principles. Pertinently, he would submit that under the threat of contempt, the writ order came to be implemented subject to the result of the writ appeal.

3.Mr.L.Chandrakumar, learned counsel appearing on behalf of the first respondent would oppose by stating that the fact regarding the services rendered by the first respondent was not disputed. She was appointed on contract basis in the year 2008 and regular appointment was provided in the year 2014. Even in such cases, UGC Regulations contemplates ad-hoc or temporary or contract appointment are taken into

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consideration for the purpose of grant of promotion / Career Advancement Scheme (CAS). Thus, the writ Court has considered the UGC Regulations and issued direction to promote the first respondent. Even as per the letter issued by the University, the first respondent is working on contract basis from the year 2008 and therefore, she is entitled for the benefit of promotion, on completion of four years of service. Therefore, the writ Court has directed the University to consider her for promotion, which cannot be said to be incorrect.

4.This Court has considered the rival submissions made by the parties to the *lis*.

5.The legal principles settled for grant of promotion /Career Advancement Scheme (CAS) are that promotion / Career Advancement Scheme (CAS) cannot be claimed as a vested right of an employee. Such right has to be considered in the context of the rules applicable and the services rendered by the employee. Therefore, this Court has to examine the rules and the scope of issuing a direction to grant retrospective promotion / Career Advancement Scheme (CAS) on completion of four years of service by the first respondent.



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6.The facts not disputed are that the first respondent was appointed on contract basis in the year 2008. She was regularly appointed to the post of Assistant Professor (Physical Education) with effect from 25.08.2014. UGC Regulations on minimum qualifications for appointment of teachers and other academic staff in Universities and Colleges, dated 18.07.2018 stipulates the conditions for counting of past services for direct recruitment and promotions under Career Advance Scheme. Clause 10.0. of the UGC Regulations reads as under:

“10.0.Counting of Past Services for Direct Recruitment and Promotion under CAS

Previous regular service, whether national or international, as Assistant Professor, Associate Professor or Professor or equivalent in a University, College, National Laboratories or other scientific / professional organisations such as the CSIR, ICAR, DRDO, UGC, ICSSR, ICHR, ICMR and DBT, should count for the direct recruitment and promotion under the CAS of a teacher as Assistant Professor, Associate Professor, Professor. Professor or any other nomenclature, provided that:

(a). ...

(b). ...



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(c). ...

(d). ...

(e). ...

(f) *The previous Ad-hoc or Temporary or Contractual service (by whatever nomenclature it may be called) shall be counted for direct recruitment and for promotion, provided that:*

(i) *the essential qualifications of the post held were not lower than the qualifications prescribed by the UGC for Assistant Professor, Associate Professor and Professor, as the case may be.*

(ii) *the incumbent was appointed on the recommendation of a duly constituted Selection Committee / Selection Committee constituted as per the rules of the respective university.*

(iii) *the incumbent was drawing total gross emoluments not less than the monthly gross salary of a regularly appointed Assistant Professor, Associate Professor and Professor, as the case may be; and*

(g). ...”

7.Further, UGC Regulations provides the following criteria under Career Advancement Scheme (CAS) for University Teachers:-



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“C. Career Advancement Scheme (CAS) for University teachers

I. Assistant Professor (Academic Level 10) to Assistant Professor (Senior Scale / Academic Level II)

Eligibility:

i) An Assistant Professor who has completed four years of service with a Ph.D. degree or five years of service with a M.Phil./ PG Degree in Professional Courses, such as LLM, M.Tech, M.V.Sc., and M.D., or six years of service in case of those without a Ph.D. / M.Phil. / PG Degree in a Professional course and satisfies the following conditions:

ii) Attended one Orientation Course of 21 days duration on teaching methodology:

iii) Any one of the following: Completed Refresher / Research Methodology Course/ Workshop / Syllabus Up-gradation Workshop / Training Teaching – Learning – Evaluation, Technology Programmes / Faculty Development Programmes of at least one week (5 days) duration, or taken one MOOC's course (with e-certification) or development of e-contents in four-quadrants / MOOC's course during the assessment period; and



iv) Published one research publication in the peer-reviewed journals or UGC - listed journals during assessment period.

CAS Promotion Criteria:

A teacher shall be promoted if;

- i) He/She gets a 'satisfactory' or 'good' grade in the annual performance assessment reports of at least three / four / five of the last four / five / six years of the assessment period as the case may be (as provided in Appendix II, Table 1) and;*
- ii) The promotion is recommended by the screening – cum – evaluation committee.”*

Therefore, under Clause 10 of the UGC Regulations, the previous ad-hoc or temporary or contractual services shall be counted for direct recruitment and for promotion provided the teaching staff fulfilled the criteria, as contemplated under the Regulations.

8.Question of considering the ad-hoc or temporary or contractual services would arise in the present case after the date of regular appointment i.e., 25.08.2014. UGC Regulations provides counting of past services for direct recruitment and promotions.

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Therefore, the consideration would arise only on regular appointment and in the present case, after 25.08.2014, the date on which the first respondent was regularly appointed to the post of Assistant Professor (Physical Education).

9.That apart, the eligibility and other criteria contemplated under the UGC Regulations are to be considered by the Competent Authority and promotion is to be recommended by the Screening – cum - Evaluation Committee. The Screening – cum – Evaluation Committee is a body constituted for grant of promotion to the teaching staffs. Therefore, non-teaching staffs claiming promotion / Career Advancement Scheme have to be considered only by the Screening – cum – Evaluation Committee.

10.However, in the present case, it is not made clear that any such endeavour, had been made by the University nor the case of the first respondent was considered by the Screening–cum–Evaluation Committee for grant of Career Advancement Scheme / promotion.



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11. Courts cannot assume the role of the Screening – cum - Evaluation Committee and issue a direction to grant promotion, which would have certain cascading effect, affecting the prospects of other teachers or considering the eligibility criteria with reference to the services rendered by the teaching staffs.

12. UGC Regulations (2010) on Minimum Qualifications would contemplate selection procedure in Clause 6.0.0 which reads as under:

“6.0.0 SELECTION PROCEDURES:

6.0.1 The overall selection procedure shall incorporate transparent, objective and credible methodology of analysis of the merits and credentials of the applicants based on weightages given to the performance of the candidate in different relevant dimensions and his/her performance on a scoring system proforma, based on the Academic Performance Indicators (API) as provided in this Regulations in Tables I to IX of Appendix III.

In order to make the system more credible, universities may assess the ability for teaching and/or research aptitude through a seminar or lecture in a class room situation or discussion on the



capacity to use latest technology in teaching and research at the interview stage. These procedures can be followed for both direct recruitment and CAS promotions wherever selection committees are prescribed in these Regulations.

6.0.2 The Universities shall adopt these Regulations for selection committees and selection procedure through their respective statutory bodies incorporating the Academic Performance Indicator (API) based Performance Based Appraisal System (PBAS) at the institutional level for University Departments and their Constituent colleges / affiliated colleges (Government/ Government-aided/ Private Colleges) to be followed transparently in all the selection processes. An indicative PBAS template proforma for direct recruitment and for Career Advancement Schemes (CAS) based on API based PBAS shall also be sent separately by the UGC to the universities. The universities may adopt the template proforma or may devise their own self-assessment cum performance appraisal forms for teachers in strict adherence to the API criteria based PBAS prescribed in these Regulations.

6.0.4. . . .

6.0.5. . . .



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6.0.6 *The process of selection of Associate Professor should involve inviting the bio-data with the duly filled Performance Based Appraisal System (PBAS) proforma developed by the respective universities based on the API criteria provided in this Regulation and template separately provided. Without prejudice, to the requirements provided for selection of Associate Professor under this Regulation, the prescription of research publications for promotion from the post of Assistant Professor to Associate Professor in colleges shall be as follows:*

a) *For those who possess a Ph.D. Degree, a minimum of one publication made during the period of service as Assistant Professor;*

(b) *for those with a M.Phil. Degree, a minimum of two publications made during the period of service as Assistant Professor; and*

(c) *for those without Ph.D. or M.Phil. degree, at least three publications during the period of service as Assistant Professor.*

Provided that in so far as teachers in Universities are concerned, three publications shall be required to be submitted for all the three categories mentioned above for consideration of promotion from Assistant Professor to Associate Professor.



Provided further that such publications shall be provided to the subject experts for assessment before the interview and the evaluation score of the publications provided by the expert shall be factored into the weightage scores while finalizing the outcome of selection by selection committee.

13.Stages of promotion under the Career Advancement Scheme of incumbent and newly appointed Assistant Professors / Associate Professors / Professors, are contemplated under Clause 6.4.0 which reads as under:

“6.4.0. STAGES OF PROMOTION UNDER CAREER ADVANCEMENT SCHEME OF INCUMBENT AND NEWLY APPOINTED ASSISTANT PROFESSORS / ASSOCIATE PROFESSORS/PROFESSORS

6.4.1. Entry level Assistant Professors (Stage 1) would be eligible for promotion under the Career Advancement Scheme (CAS) through two successive stages (stage 2 and Stage 3), provided they are assessed to fulfil the eligibility and performance criteria as laid out in Clause 6.3. of this Regulation.



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6.4.2. *An entry level Assistant Professor, possessing Ph. D. Degree in the relevant discipline shall be eligible, for moving to the next higher grade (stage 2) after completion of four years service as Assistant Professor.*

6.4.3. *An entry level Assistant Professor possessing M.Phil. Degree or post-graduate Degree in professional courses, approved by the relevant statutory body, such as LL.M. / M. Tech., etc. shall be eligible for the next higher grade (stage 2) after completion of five years service as Assistant Professor.*

6.4.4. *An entry level Assistant Professor who does not have Ph.D. or M.Phil, or a Master's Degree in the relevant professional course, shall be eligible for the next higher grade (stage 2) only after completion of six years service as Assistant Professor.*

6.4.5. *The upward movement from the entry level grade (stage 1) to the next higher grade (stage 2) for all Assistant Professors shall be subject to their satisfying the API based PBAS conditions laid down by the UGC in this Regulation.*

6.4.6. *Assistant Professors who have completed five years of service in the second grade (stage 2) shall be eligible, subject to meeting the API based PBAS requirements laid down by these*



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Regulations, to move up to next higher grade (stage 3).

6.4.7. Assistant Professors completing three years of teaching in third grade (stage 3) shall be eligible, subject to the qualifying conditions and the API based PBAS requirements prescribed by these Regulations, to move to the next higher grade (stage 4) and to be designated as Associate Professor. “

14. Close reading of the Regulations would show that Career Advancement Schemes / Promotions are to be granted to the teaching staffs by following the procedures as contemplated under the UGC Regulations and based on the eligibility criteria fixed. Therefore, the writ Court issuing a direction to consider promotion for the first respondent, in the absence of any decision by the Screening - cum - Evaluation Committee, is not in consonance with the UGC Regulations. The case of the first respondent is to be considered based on her service details and in the context of the eligibility criteria fixed under the UGC Regulations and the said deliberation had not been done in the present case. Pertinently, under the threat of contempt proceedings initiated in Contempt Petition No.2737 of 2024 and during the pendency of the

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present writ appeal in W.A.No.1290 of 2025, the University implemented the writ order subject to the outcome of the writ appeal. Therefore, the said order would not confer any absolute right. But the case of the first respondent is to be considered in the light of the UGC Regulations and by following the procedures as contemplated under the UGC Regulations for grant of promotion / Career Advancement Scheme.

15.This Court is of the considered view that implementing the orders which are all the subject matter of an appeal before the appellate Court is always subject to the final outcome of the writ appeal and no one can take undue advantage of the orders passed during the pendency of the appeal and such orders passed thereof under the threat of contempt proceedings should always be revisited on disposal of the appeals by the appellate Court. In other words, implementing any order under the threat of contempt proceedings during the pendency of the appeal is not desirable and the principles of law require that the issues are to be decided on merits at all circumstances and only on reaching quietus, the implementation part is to be undertaken by the Competent Authority.



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16.In view of the above facts and circumstances, the writ order impugned dated 19.10.2023 passed in W.P.No.24015 of 2021 and the implementation orders issued by the University under the threat of contempt during the pendency of the present writ appeal dated 10.07.2025 are set aside. However, the University is directed to consider the case of the first respondent, following the UGC Regulations and with reference to the Service Records of the first respondent.

17.With these directions, the writ appeal stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

[S.M.S., J.]

[N.S., J.]

07.08.2026

Index : Yes
Speaking Order : Yes
Neutral Citation : Yes
TK

To

University Grants Commission
Bahadurshah Zafar Marg,
New Delhi – 110 002.



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S.M.SUBRAMANIAM, J.

AND

N.SENTHILKUMAR, J.

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