

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

W.P.Nos.31546, 31569 to 31573 of 2016

and

W.M.P.Nos. 27384, 27408 to 27412 of 2016

1. A.kalaisselvane ... Petitioner in
W.P.31546 of 2016
2. Dr.M.Arounassalame ... Petitioner in
W.P.31569 of 2016
3. B.Maheshkumar ... Petitioner in
W.P.31570 of 2016
4. G.S.Gunasegarane ... Petitioner in
W.P.31571 of 2016
5. S.Eswari ... Petitioner in
W.P.31572 of 2016
6. B.Geethalakshmi ... Petitioner in
W.P.31573 of 2016

vs.

1. The Government of Pondicherry
Rep. by the Secretary to Government/
Vice Chairman, PEC,
Education Department,
Guber Avenue,
Pondicherry - 605 001
2. The Member Secretary / Director,
Directorate of Higher and Technical Education,
Lawspet, Pondicherry - 605 008.
3. The Selection Committee,
Rep. by the Principal,
Pondicherry Engineering College,
Pillaichavady,
Pondicherry - 14 ... Respondents in all W.Ps.

Common Prayer :- Writ petitions have been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to select the petitioner for promotion to the post of Professor under Career Advancement Scheme on the basis of the Academic Performance Indicator marks scored by the petitioners with effect from the date of promotion of other selected candidates for the year 2015 to 2016 with all monetary and service benefits.

For Petitioner in all W.Ps : Mr.R.Singaravelu,
Senior Counsel for
M/s.M.Srividhya

For Respondents in all W.Ps: Mr.M.Govindaraj,
GP (P)

C O M M O N O R D E R

With the consent of both sides, the main writ petition itself is taken up for final disposal.

2. The petitioners have come up with the present writ petition for a mandamus, directing the respondents to select the petitioners for promotion to the post of Professor under Career Advancement Scheme on the basis of the Academic Performance Indicator marks scored by the petitioners with effect from the date of promotion of other selected candidates for the year 2015 to 2016 with all monetary and service benefits.

3. It is the case of the petitioner that the AICT has notified regulations for CAS for Faculty of Engineering Colleges. As per the AICTE (CAS) regulations 2012, 30% contribution to Research, 50% Assessment of domain knowledge and teaching practices, 20 % interview performance and the total weightage is 100; minimum required for promotion is 50. On May 5, 2015, Pondicherry Engineering college issued notification inviting application for promotion of faculty members under CAS. In response to the above notification, the petitioners submitted their applications in the prescribed formats for consideration for promotion to the post of professor.

4. On 19.02.2016, at 2.00 p.m., in the chamber of Principal, P.E.C, the petitioners have attended personal interview, which was conducted for 5 minutes and they answered the questions quite well. In the selection list notified on 15.04.2016, their name were not listed. Hence, they requested copy of assessment chart through RTI to know the marks scored by applicants in the CAS selection process.

5. In the assessment chart of Electrical and

electronics department, all the four applicants scored same API (Academic Performance Indicator) score of 115 under the category I (Teaching, learning and evaluation related activities). But in the expert assessment, under the category of domain knowledge and teaching (which constitute 50% weightage) randomly marks were allotted. Dr. Maheshkumar has scored 20, Dr.S.Jeevanandam, has scored 40 marks, whereas Dr.M.Arounassalame has scored 20, and Dr.B.Geethalakshmi has scored 25. Even though everybody had the same API score points under the category of teaching, learning and evaluation related activities, their marks were randomly allotted in the expert assessment process.

6. In the assessment chart of Mechanical Engineering Department, under the category III (Research and Academic Contribution) one Dr.Auro Ashish Saha scored 20.9 points, Dr.A.kalaisselvane scored 32.5 points and Dr.G.S.Guneseagarane has scored 53.4 points. But in the expert assessment under the category of Research Contribution (which constitutes 30% weightage), all three applicants got same 10 marks. Even though everybody had different API score points, their marks were randomly allotted in the expert assessment process.

7. In the assessment chart of Civil Engineering Dept., Dr.S.Easwari scored 30.17 for category III (Research and academic contribution) was awarded initially 15 marks under research contribution in Expert Assessment, for which she qualified for the post of professor by securing more than 50 marks in total. But, later the Selection Committee had changed the marks and reduced the marks from 15 to 10 and not selected her. But, one Mr.S.Palanivel, who scored 19.816 only for Category III was declared pass though he has scored the very same 10 marks for Research Contribution. Thus, neither any rule nor any principle is followed while awarding the marks and the entire selection is vitiated.

8. That apart, for interview totally 20 marks were awarded. There is no guideline to award 20 marks to various categories. As a result, the interview marks of 20 were totally misused by the selection authorities and they awarded the same as per their likes and dislikes.

9. The Selection Committee randomly allotted marks for the categories of research contribution, assessment of domain knowledge and teaching practices. Selection based on the interview alone is against judgments delivered by Hon'ble courts including Hon'ble Supreme Court judgment as it violates article 14 of constitution. Pondicherry Engineering college never disclosed method of evaluation to the applicants. Further the information obtained through RTI reveals that Pondicherry Engineering College, followed two different expert assessment procedures for the promotion to the post of professor under CAS using the same AICTE (CAS) regulation 2012.

10. For CAS selection process held on 28th June 2013, 80% marks were allotted based on objectively verifiable records such as journal publications (5 marks for each journal publication), conference publications (2 marks for each activity), research guidance (5 marks for project, 5 marks for PH.D. Guidance and 2 marks for M.Tech. Guidance), teaching practices (20 marks), Co-curricular activities (10 marks). But for the CAS selection process held on 19th and 20th February 2016, the marks were allotted randomly without any proper procedure. The intention of Pondicherry Engineering College is not clear, as why they had followed two different procedures for the selection process held during 2013 and 2016, based on the AICTE (2012) CAS guidelines and why they did not disclose the change of procedure to the faculty members.

11. The information obtained through RTI revealed that Pondicherry Engineering College, not only followed a wrong procedure in the selection process, but also not followed proper AICTE guidelines in constituting the Selection Committee and even favoured few candidates in this promotion.

12. Above all, as per the AICTE guidelines, two subject experts, not connected to the college, need to be nominated by the Chairman of the governing Body out of any of the five names recommended by the Vice Chancellor of the Affiliating University. But, without following the said procedure, the Principal, Pondicherry Engineering College, nominated two experts as per the recommendation of the Head of the Department and thus, the nomination of two subject expert itself illegal.

13. In the light of the above, the interview and selection process of professor held during 19th and 20th of February 2016, be reviewed and reconsidered in strict accordance with provisions of regulations issued by AICTE. Hence, the petitioners have come forward with the above petitions.

14. I have heard the learned counsel appearing for the petitioners and the learned Government Advocate, who has taken notice on behalf of the respondents.

15. Learned counsel for the petitioners submitted that they have already made representations dated 29.08.2016. Though the learned counsel appearing for the writ petitioners sought for a positive direction for their promotion to the post of professor under Career Advancement Scheme on the basis of the Academic Performance Indicator marks scored by the petitioners with effect from the date of promotion of other selected candidates for the year 2015 to 2016, this Court is ***Constrained**

to issue the following direction.

16. Considering the facts and circumstances of the case and considering the submissions made on either side, this Court directs the respondents to consider the representation of the petitioners dated 29.08.2016, and pass appropriate orders, on merits and in accordance with law, by affording opportunity of personal hearing to the petitioners, within a period of four weeks from the date of receipt of a copy of this order. These writ petitions are disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Asst.Registrar (CO)

***Amended as per order
dated 21/10/2016 in WP.Nos.31546
31569 to 31573 of 2016
-s/d-
Assistant Registrar
dt:30/09/2016**

/true copy/

Sub Asst. Registrar

To

1. The Government of Pondicherry (To be Substituted to
Rep. by the Secretary to Government/(the order already
Vice Chairman, PEC, (despatched on 18/10/16)
Education Department,
Guber Avenue,
Pondicherry - 605 001
2. The Member Secretary / Director,
Directorate of Higher and Technical Education,
Lawspet, Pondicherry - 605 008.
3. The Principal Committeeed
Selection Committee,
Pondicherry Engineering College,
Pillaichavady,
Pondicherry - 14

+ 6 cc's to Mr.M.Srividhya, advocate, sr*60025 to 60030

+2 cc's to Govt.Pleader, sr*52087, 52088
ctr(co)
krd 30/9
aa24/10/2016

W.P.No.31546, 31569
to 31573 of 2016