

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.34131 of 2016
and
W.M.P.No.29461 of 2016

Dr.V.Vaidhyanathan

... Petitioner

Vs.

The Periyar University,
rep. by its Registrar,
University Campus,
Periyar Palkalai Nagar,
Salem-636 011

... Respondent

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondent to grant AGP of Rs.7,000/- and Rs.8,000/- to the petitioner on par with similarly placed persons in the very same appointment of Assistant Professor made in 2005 and as per the UGC Regulations 2010 and consequently, to direct the respondent to give notional benefits on par with similarly placed persons and promote him as Associate Professor in the Respondent-University forthwith.

For Petitioner : Mr.M.R.Jothimanian

For respondent : Mr.P.Godson Swaminath

ORDER

This writ petition has been filed by the petitioner, praying for issuance of a Writ of Mandamus, directing the respondent to grant AGP of Rs.7,000/- and Rs.8,000/- to the petitioner, on par with similarly placed persons in the very same appointment of Assistant Professor made in 2005 and as per the UGC Regulations 2010, and consequently, to direct the respondent to give notional benefits on par with similarly placed persons and promote him as Associate Professor in the Respondent-University forthwith.

2.In the affidavit filed in support of the writ petition, it has been averred by the petitioner as follows_

2-1.The petitioner has completed the courses of

M.A., M.Phil, B.Ed., in Economics. He has completed the School and College studies under 10+2+3 pattern. The petitioner was fully qualified to the post of Assistant Professor as per the UGC Regulations. He was appointed as Assistant Professor, Department of Economics on 24.06.2005, by the respondent herein. The petitioner worked as Assistant Professor for more than 11 years. He was appointed as Principal in-charge of Periyar University Constitution College at Mettur Dam. The Assistant Professor is entitled to AGP Rs.6,000/-. After completion of five years (Non-Ph.D Holder) and 4 years (Ph. D Holder), the 7000 AGP has to be given to the Assistant Professors and after completion of 5 years in AGP 7000, the AGP 8000 has to be given as per the UGC Regulations, 2010, under the Career Advancement Scheme (CAS). But, the respondent had chosen to give the AGP 7000 and 8000 for their whims and fancies and against said regulations.

2-2.It is stated by the petitioner that in respect of the Assistant Professors who were appointed in the year 2005, AGP 7000 was given to them in the year 2009, except the petitioner, within four years (none Ph.D holders) and further AGP 8000 was revised to them in the year 2014. The petitioner's AGP was 7000 was revised only in the year 2014. The petitioner's batch mates got the AGP 7000 and 8000 and now, they are going to get further promotion as Associate Professors. But, the petitioner was singled out and discriminated.

2-3.The petitioner's next avenue of promotion is to Associate Professor based on the experience and seniority. The UGC has issued regulations in the year 2010 that past services can be counted for direct recruitment and promotion under Career Advancement Scheme (CAS). On 02.12.2014, a circular was issued by the respondent to the Assistant Professors in the respondent-University calling upon them to submit their details with regard to past service rendered, as per the UGC Regulations, 2010. Originally, the petitioner was working as Lecturer/Assistant Professor in A.M.Jain College, Meenambakkam, Chennai, more than 6 years ie., from June 1993 to March, 2001. For the said experience, the College Authority has issued Teaching Experience Certificate on 09.04.2015 and the same was acknowledged by the Joint-Director of Collegiate Education, Chennai Region, Chennai. Based on the circular of the 1st respondent, the petitioner submitted his teaching experience of 6 years before the respondent on 28.09.2015. Subsequently, another letter was issued by the 2nd respondent on 18.02.2016, calling upon the Assistant Professors for calculating past services along with the regular services in the University. Based on the said circular, the petitioner once again submitted experience certificate and other relevant documents to the respondent and thereafter, on 17.03.2016, a letter was issued to the petitioner by the respondent calling

upon him to appear before the IQAC Committee on 29.03.2016 at about 11.00 am. But, no Committee was convened on the said date. On 01.04.2016, another circular was issued by the respondent to 24 Assistant Professor of Respondent-University calling upon them to appear IQAC meeting on 04.04.2016 at 10.30 am. But, the petitioner's name was not found in the said list. Hence, the petitioner made representation on 15.07.2016 to the respondent to grant the AGP 8000 and further promotion as Associate Professor. Since the petitioner's representation was not considered, the petitioner has come forward with the present writ petition.

3.Though the writ petition has been filed for a larger relief, when the matter is taken up for consideration, the learned counsel for the petitioner submitted that if a direction is issued to the respondent to consider representation of the petitioner dated 15.07.2016 and pass order, it would suffice.

4.Heard the learned counsel appearing for the respondents also and perused the materials available on record.

5.Considering the facts and circumstances of the case and submission made by the learned counsel for the petitioner, without expressing any opinion on the claim of the petitioner, this Court directs the respondent to consider the representation dated 15.07.2016 given by the petitioner and pass appropriate orders, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

With the above direction, the writ petition is disposed of. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-

सत्यमेव जयते
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

ssv

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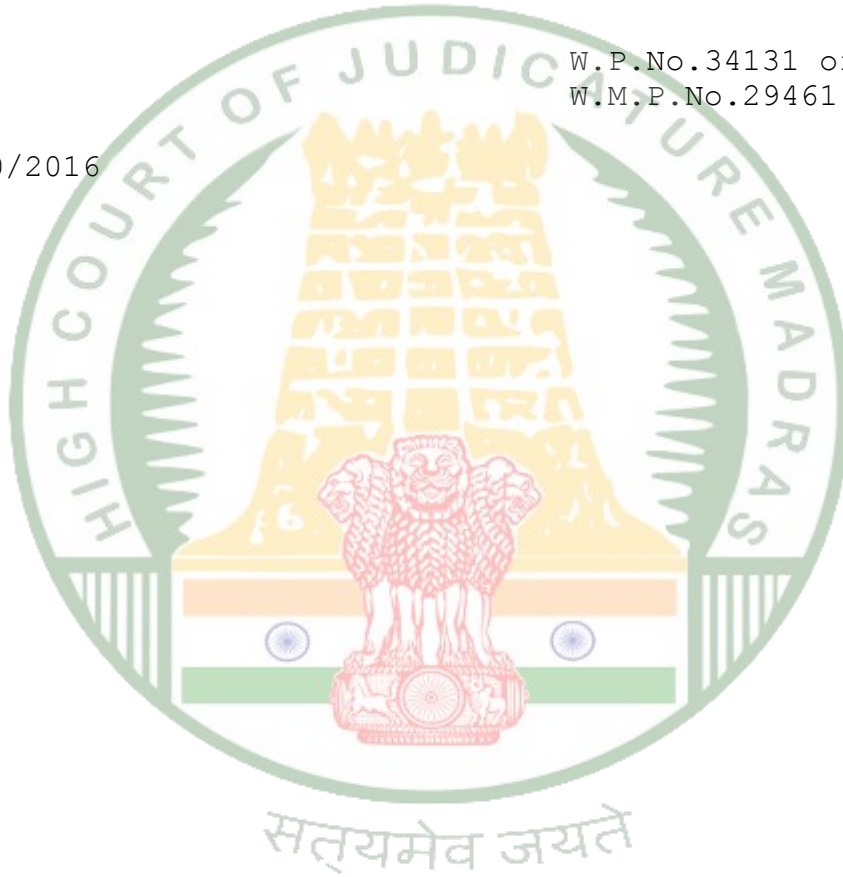
To

The Registrar,
Periyar University,
University Campus,
Periyar Palkalai Nagar,
Salem-636 011

+1 CC to M/s. M.R. Jothimanian, Advocate Sr.No.56566
+1 CC to M/s. P. Godson Swaminath, Advocate Sr.NO.56156

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MD : 14/10/2016



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