

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2016

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THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.5661 of 2016

and W.M.P.No.5020 of 2016

S.Manivannan

... Petitioner

vs.

- 1.The State of Tamil Nadu,
Rep by its Principal Secretary to Government,
Higher Education Department,
Secretariat, Fort St. George,
Chennai-9.
 - 2.The Commissioner of Technical
Education,
Directorate of Technical Education,
Guindy, Chennai-25.
 - 3.The National Institute of
Technical Teachers Training & Research
Opposite Blind Institute, Sector 26,
Chandigarh-160 019.
 - 4.The QIP Coordinator (Quality
Improvement Program),
National Institute of Technology,
Tiruchirappalli-620 015.
 - 5.The Principal
Government Polytechnic College,
Keelapaluvur, Ariyalur 621 707.
- ... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to allow the petitioner to undergo Doctoral Programme (Ph.D) on full time basis under All India Council for Technical Education-quality improvement programme (poly) scheme conducted by All India Council for Technical Education in the

fourth respondent Institute based on the order of selection issued by the third respondent in Proc.No.F.No.FD(Poly)/ Policy/ 2011-12 dated 19.1.2016 with full salary for the duration of study and consequently direct the respondents 1, 2 and 5 to grant permission to undergo 60 days preparatory work on duty to be commenced before 29.2.2016 and for pre-registration based on the order of Advance Admission to Ph.D. programme issued by the fourth respondent in Ref.NIT/QIP(POLY)/ Ph.D/2015-16 dated 3.2.2016.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.V.Jayaprakash Narayanan,
Spl. Govt. Pleader.

ORDER

By consent, the main writ petition itself is taken up for final disposal.

2. The petitioner has come up with the present writ petition for the issuance of writ of mandamus to direct the respondents to allow him to undergo Doctoral Programme (Ph.D) on full time basis under All India Council for Technical Education-quality improvement programme (poly) scheme conducted by All India Council for Technical Education in the fourth respondent Institute based on the order of selection issued by the third respondent in Proc.No.F.No.FD(Poly)/ Policy/ 2011-12 dated 19.1.2016 with full salary for the duration of study and consequently, to direct the respondents 1, 2 and 5 to grant permission to undergo 60 days preparatory work on duty to be commenced before 29.2.2016 and for pre-registration based on the order of Advance Admission to Ph.D. programme issued by the fourth respondent in Ref.NIT/QIP(POLY)/ Ph.D/2015-16 dated 3.2.2016.

3. The case of the petitioner, in brief, is as follows:-

(a) The petitioner is qualified with M.Sc. in the year 2004 and M.Phil. in the year 2008 from Bharathidasan University. He was selected and appointed to the post of Lecturer (Chemistry) in Government Polytechnic College, Ooty on 8.8.2006 through Teachers' Recruitment Board. Presently, he is working as Lecturer (Chemistry) in Government Polytechnic College, Keelapaluvur, Ariyalur from 4.9.2013 onwards.

(b) While so, the Government of India launched Quality Improvement Programme (QIP) in the year 1970 with an object of

upgrading the expertise and capability of faculty members of the Engineering Institution in the country. The programme is being implemented and monitored by All India Council for Technical Education (AICTE) under the scheme of QIP and the only sponsored teachers are eligible for admission either to Masters or Doctoral degree programme. The QIP scheme has been extended for Polytechnic Teachers for M.E., and M.Tech and Ph.D. programmes in all the disciplines. The aim of scheme is to strengthen the capacity of the faculty of Polytechnics and to expose them to emerging areas of Technical Education. The Central Government is implementing QIP through the National Institute of Technical Teachers Training and Research, Chandigarh, the third respondent herein, as Nodal Agency.

(c) Now, the third respondent has issued a notification for admission under QIP-Polytechnic Scheme to Master Programme (2 years) and Doctoral Programme (3 years) leading to admission in 2016-17 academic session. According to the notification, applications are invited from all the eligible faculty members of Engineering and Polytechnic Institutions to be submitted before 31.3.2015. The notification prescribes eligibility condition by which teaching experience of five years as on 31.3.2015 and Master Degree or equivalent in the appropriate Branch as qualification for admission to Doctoral Programme.

(d) Pursuant to the said notification issued by the third respondent, the petitioner made an application for Doctoral Programme (3 years) in the requisite format through the second respondent herein. As per the procedure, the second respondent has to forward the same to the third respondent, whereas, the second respondent, instead of forwarding the same to the third respondent, issued the impugned communication dated 13.4.2015 returning his application without assigning any reason, except saying that his claim for studying Ph.D., Doctoral Programme in AICTE-QIP (Poly) scheme on full time basis cannot be considered. Hence, the petitioner was constrained to file a writ petition before this Court in W.P.No.2225 of 2015 challenging the impugned communication dated 13.4.2015 and consequently, to grant permission to the petitioner to undergo Ph.D. on full time basis under All India Council for Technical Education - Quality Improvement Programme (Poly) Scheme conducted by All India Council for Technical Education through the third respondent and to grant admission to study Ph.D., programme in the fourth respondent institute with consequential service benefits in career advancement scheme in the post of Lecturer.

(e) When the said writ petition came up for hearing on 23.7.2015, this Court directed the second respondent to forward the application submitted by the petitioner for admission to the

third respondent immediately. Consequent to the said direction, the second respondent has forwarded the application of the petitioner for pursuing the Ph.D. Programme to the third respondent. Based on the selection conducted, AICTE issued selection list of 14 candidates from all over India for admission to Ph.D programme in QIP (Poly) scheme of AICTE for final admission in 2016-17 academic session as per the proceedings dated 19.1.2016, in which the petitioner is the only person who was selected from the State of Tamil Nadu. Now, the respondents 1, 2 and 5 have to grant necessary sanction and permission to enable the petitioner to undergo preparatory work by reporting for pre-registration to the fourth respondent on or before 29.2.2016 to complete the 60 days preparatory work (on duty) before 30.6.2016 to get him actual registration to Ph.D. programme in July-August 2016. Pursuant to the advance admission order given by the fourth respondent dated 3.2.2016, the petitioner forwarded a representation dated 7.2.2016 to the second respondent seeking permission for advance admission to Ph.D. programme to undergo 60 days preparatory work on duty. But, till date, no order was passed on the said representation.

Hence, the petitioner has come up with the present writ petition seeking a direction to the respondents to allow him to undergo Doctoral Programme (Ph.D) on full time basis under All India Council for Technical Education-quality improvement programme (poly) scheme conducted by All India Council for Technical Education in the fourth respondent Institute based on the order of selection issued by the third respondent dated 19.1.2016 with full salary for the duration of study and consequently direct the respondents 1, 2 and 5 to grant permission to undergo 60 days preparatory work on duty to be commenced before 29.2.2016 and for pre-registration based on the order of Advance Admission to Ph.D. programme issued by the fourth respondent dated 3.2.2016.

4. I have heard the learned counsel appearing for the petitioner and the learned Special Government Pleader, who has taken notice on behalf of the respondents.

5. Considering the facts and circumstances of the case, I am of the opinion that since the petitioner has already been selected by AICTE for admission to Ph.D Programme, it would be appropriate to give a direction to the second respondent to consider the representation of the petitioner dated 7.2.2016 and pass appropriate orders.

6. Accordingly, the present writ petition is disposed of, with a direction to the second respondent to consider the representation of the petitioner dated 7.2.2016 and pass

appropriate orders on or before 23.2.2016. No costs.
Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Principal Secretary to Government,
Higher Education Department,
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Keelapaluvur, Ariyalur 621 707.
- +1 cc to Government Pleader, sr.9951
+1 cc to Mr.G.Sankaran, Advocate, sr.9675

W.P.No.5661 of 2016

gj co
kra 17.02.2016