

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2017

CORAM

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE RMT.TEEKAA RAMAN

W.A.No.134 of 2017
and
C.M.P.No.2336 of 2017

1.Dr.P.Sakthivel
2.Dr.V.Senthil Kumar ... Appellants

-vs-

- 1.The State of Tamil Nadu,
rep.by Secretary to Government,
Higher Education Department,
Fort St.George,
Chennai-600 009.
- 2.Anna University,
rep.by Registrar,
Guindy, Chennai-600 025.
- 3.All India Council for Teacher Education,
rep.by Chairman,
7th Floor, Chanderlok Building,
Janpath, New Delhi-110 001.
- 4.The University Grants Commission,
rep.by Secretary,
Bahadur Shah Zafar Marg,
New Delhi-110 002.

- 5.Dr.K.Shanmugasundaram
- 6.Dr.M.Manikandan
- 7.Dr.S.Ramalingam
- 8.Dr.V.S.Senthil Kumar
- 9.Dr.K.Gunasekaran
- 10.Dr.V.Sreenivasan
- 11.Dr.P.Suresh Kumar
- 12.Dr.S.John Vennison
- 13.Dr.E.Shanmugapriya
- 14.Dr.M.Arulmozhi
- 15.Dr.S.Venkatesan
- 16.Dr.A.Puratchikody
- 17.Dr.G.Geetharamani
- 18.Dr.S.Brahadeswaran

19.Dr.G.Senguttavan
20.Dr.R.Thiruneelakandan
21.Dr.K.Jothivenkatachalam
22.Dr.R.Sujatha
23.Dr.R.Karunakaran
24.Dr.J.Jegan
25.Dr.S.Senthil Nathan
26.Dr.T.Sree Renga Raja
27.Dr.P.Suresh Kumar
28.Dr.R.Ilangovan
29.Dr.G.Jeyaprabha
30.Dr.R.Kannan
31.Dr.S.Sutha

... Respondents

Appeal filed under Clause 15 of the Letters Patent, against the order passed by this Court in W.P.No.40301 of 2015 dated 23.11.2016.

W.P.No.40301 of 2015 Petition filed under Article 226 of the constitution of India praying for a writ of certiorarified Mandamus after calling for the records from the 1st respondent relating to the G.O.(Ms) No.472 Higher Education (C2) Department dated 18.11.2015 issued by the 1st respondent illegal arbitrary without jurisdiction and contrary to the UGC Regulations 2010/ AICTE Regulations 2010 quash the same and for a consequential direction to the 1st and 2nd respondent to implement the G.O.Ms.No.95 Higher Education (C2) Department dated 5.5.2010 in letter and spirit in accordance with the UGC Regulations 2010/ AICTE Regulations 2010.

For Appellants :: Mr.D.Nagasaila for
Ms.L.Parvin Banu
For Respondents :: Mr.P.S.Sivashanmugasundaram,
Spl.GP for R1

Mr.L.P.Shanmugasundaram for R2

Mr.R.Muthukumaraswamy,
Sr.Counsel for Mr.V.Kadhirvelu
for R5 to R9

Mr.S.Silambanan, Sr.Counsel for
M/s.Kaavya Silambanan Associates
for R10 to R31

JUDGMENT

(Judgment of the Court was delivered by
HULUVADI G.RAMESH, J.)

The appellants in these appeals have filed a writ petition in W.P.No.40301 of 2016 praying to quash the order passed by the Government in G.O.(Ms)No.472, Higher Education (C2) Department,

dated 18.11.2015 issued by the first respondent as illegal and contrary to UGC regulations 2010/ AICTE Regulations 2010. According to the appellants, as per the said G.O., the first respondent directed that the directly recruited Assistant Professors in the pre-revised scale of Rs.12000-18300 in Anna University and their constituent colleges recruited on or after 01.01.2006 and upto 05.05.2010 be re-designated as Associate Professor and be eligible for the scale of Rs.37400-67000, which will result in the juniors scaling a march over the directly recruited Readers / Assistant Professors prior to 01.01.2006 and Readers / Assistant Professors promoted and re-designated as Associate Professors under the Career Advancement Scheme on completion of three years to the pay band of Rs.37400-67000+AGP 9000.

2. When this appeal was taken up, the learned counsel for the Anna University has produced a copy of the Government Order in G.O.(Ms)No.305, Higher Education (C2) Department, dated 23.10.2017, wherein it is stated that the Government have decided to cancel the orders issued in respect of directly recruited Assistant Professors in the pre-revised scale of Rs.12000-420-18300 in Anna University and the erstwhile Anna Universities of Technology and their constituent colleges, who were recruited on or after 01.01.2006 and upto 05.05.2010 were redesignated as Associate Professor and eligible to get the scale of pay of Rs.37400-67000 with AGP of Rs.9000, and accordingly the Government cancels the G.O.(Ms)No.472, Higher Education (C2) Department, dated 18.11.2015.

3. In view of the above stated circumstances, nothing survives in this appeal for adjudication and accordingly the same is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

4. It is submitted that by virtue of the Government Order issued in G.O.(Ms)No.305 dated 23.10.2017, some parties are before this Court. It is for them to agitate independently as to the vires of the said G.O.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

KM

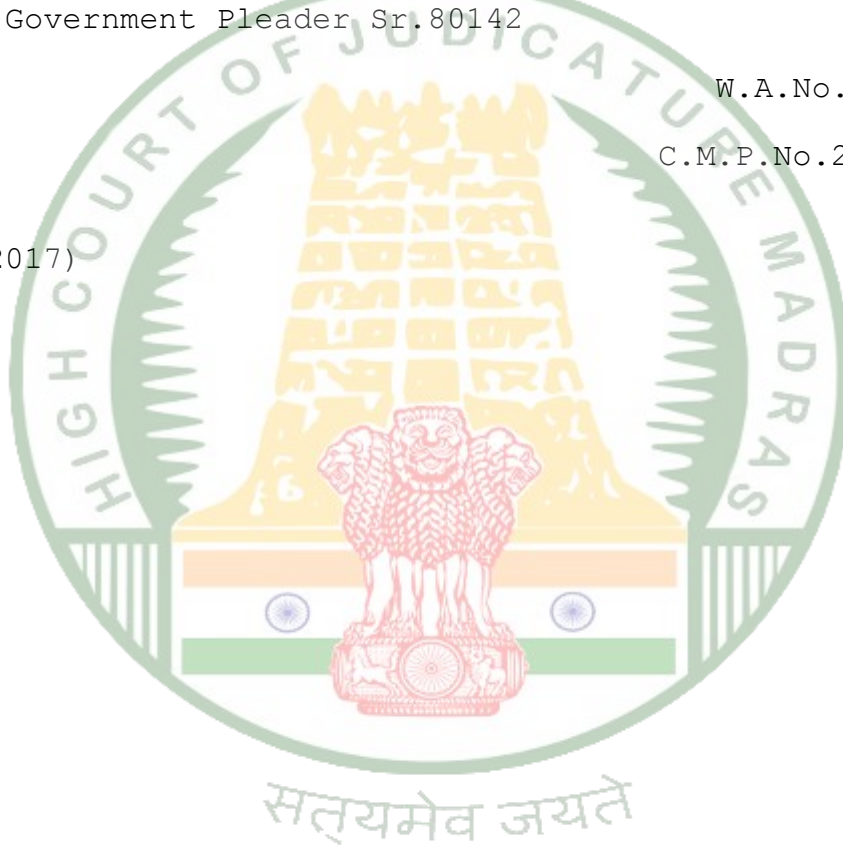
To

The Secretary to Government,
Government of Tamil Nadu,
Higher Education Department,
Fort St.George,
Chennai-600 009.

+ 1 cc to M/s. Kaavya Silambanan Associates, Advocate Sr.79814
+ 1 cc to M/s. Parvin Banu.L, Advocate Sr.79765
+ 1 cc to Government Pleader Sr.80142

W.A.No.134 of 2017
and
C.M.P.No.2336 of 2017

RR(CO)
EU(29/11/2017)



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