

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.12.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Writ Petition No.30773 of 2017  
and WMP.Nos.33702 and 33703 of 2017

N.Sakthieswaran

...Petitioner

Vs.

1.The Registrar  
Anna University  
Chennai-600 025

2.The Dean  
Anna University Regional Campus  
-Tirunelveli  
Tirunelveli-627 007.

...Respondents

Prayer :- Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus directing the 1<sup>st</sup> respondent to promote the petitioner from Assistant Professor Stage-1 to Assistant Professor Stage-2 with effect from the date of his obtaining Ph.D. Degree i.e., from March 2015.

For Petitioner : Ms.D.Geetha  
for Mr.R.Diwakaran

For Respondents : Mr.L.P.Shanmugha Sundaram  
Standing counsel for R1 and R2.

सत्यमेव जयते  
O R D E R

This Writ Petition has been filed by Dr.N.Sakthieswaran, who was appointed as Assistant Professor in Anna University of Technology, Tirunelveli, Government College of Engineering Campus, Tirunelveli, by appointment order in Ref.No.AUT-TVL/Estb./O.O./Civil/2010 dated 30.08.2010, and was posted at University Department of Civil Engineering, Anna University of Technology, Tirunelveli, with effect from 30.08.2010.

2. While he was serving as Assistant Professor, the All India Council for Technical Education [AICTE], issued Notification, dated 8.11.2012, for Career Advancement Scheme [CAS] for the Teachers and other Academic Staff in Technical

Institutions, for promotion to various posts.

3. The learned counsel appearing for the petitioner submitted that the petitioner was appointed as Assistant Professor in Anna University of Technology, Tirunelveli, after the selection through a Selection process by a Selection Committee and the appointment was made in the manner known to law and as per the recommendations of the Monitoring Committee. The learned counsel further submits that the Petitioner having completed his Post Graduation in M.E., also acquired Ph.d., in March 2015 in the same discipline viz., Civil Engineering, thereby, he has become eligible for promotion under Career Advancement Scheme from Assistant Professor Stage-I to Assistant Professor Stage-II as per the All India Council for Technical Education Career Advancement Scheme 2012.

4. The learned counsel for the petitioner also drawn the attention of this Court to Regulation No.3.3 of AICTE for the Teachers and other Academic Staff in Technical Institutions (Degree) Regulations, 2012, which is extracted as under:-

"3. Stages of Promotion under Career Advancement Scheme of incumbent and newly appointed Assistant Professors // Associate Professors / Professors:

- 3.3 Assistant Professor, possessing Ph.D Degree in the relevant discipline shall be eligible, for moving to the next higher grade of Rs.7000 (stage 2) after completion of four years service as Assistant Professor. "

It is further submitted that the petitioner is fully qualified as per Regulation 3.3 of the AICTE Regulations for promotion under Career Advancement Scheme and the petitioner submitted his application for promotion under Career Advancement Scheme on 17.07.2017. The 1st respondent/Anna University, called the academic staff member applicants for certificate verification on 02.11.2017 and in the said faculty list called for certificate verification, the petitioner's name had been excluded. After noticing the non-inclusion of his name, the Petitioner made a representation on 01.11.2017 to the Registrar, Anna University, requesting the reasons for non-consideration of his application for promotion under Career Advancement Scheme. Since no reply is forth coming, the Petitioner is before this court.

5. The learned Standing Counsel appearing on behalf of the respondents submitted that the petitioner is not eligible for promotion under Career Advancement Scheme and his claim for consideration of his promotion under CAS from Assistant Professor (Stage-1) to Assistant Professor (Stage-2) will be

considered by the University only when he is absorbed into the University as a regular Assistant Professor and found eligible for promotion under CAS.

6. But the written instruction issued by the Registrar, Anna University/1<sup>st</sup> respondent, does not go well with Regulation 3.3 of AICTE Regulations, which been extracted in the preceding paragraph.

7. A cursory reading of Regulation 3.3 shows that 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.

8. I have also highlighted above that the Petitioner was appointed as Assistant Professor on 30.08.2010 and also acquired M.E. in Civil Engineering and completed 5 years of service in the year 2015 and that apart, he has also acquired Ph.d., in March 2015. A copy of the Provisional Certificate in Ph.d., dated 15.04.2015 also shows that the Petitioner has obtained Ph.d., degree in Civil Engineering. Therefore, in my considered opinion, as per the AICTE prescribed Regulations produced before me, the Petitioner is found eligible for promotion under CAS. Accordingly, the 1<sup>st</sup> respondent, shall take into account the application of the Petitioner for promotion under Career Advancement Scheme, in the light of Regulation 3.3 of All India Council for Technical Education Career Advancement Scheme, 2012 and consider his case for promotion from Assistant Professor Stage-1 to Assistant Professor Stage-II and pass appropriate orders.

The Writ Petition is disposed of with the above direction. No costs. Consequently, connected WMPs are closed.

Sd/-

सत्यमेव जयते  
Assistant Registrar (CS IV)

//True copy//

Sub Assistant Registrar

nvsri

To

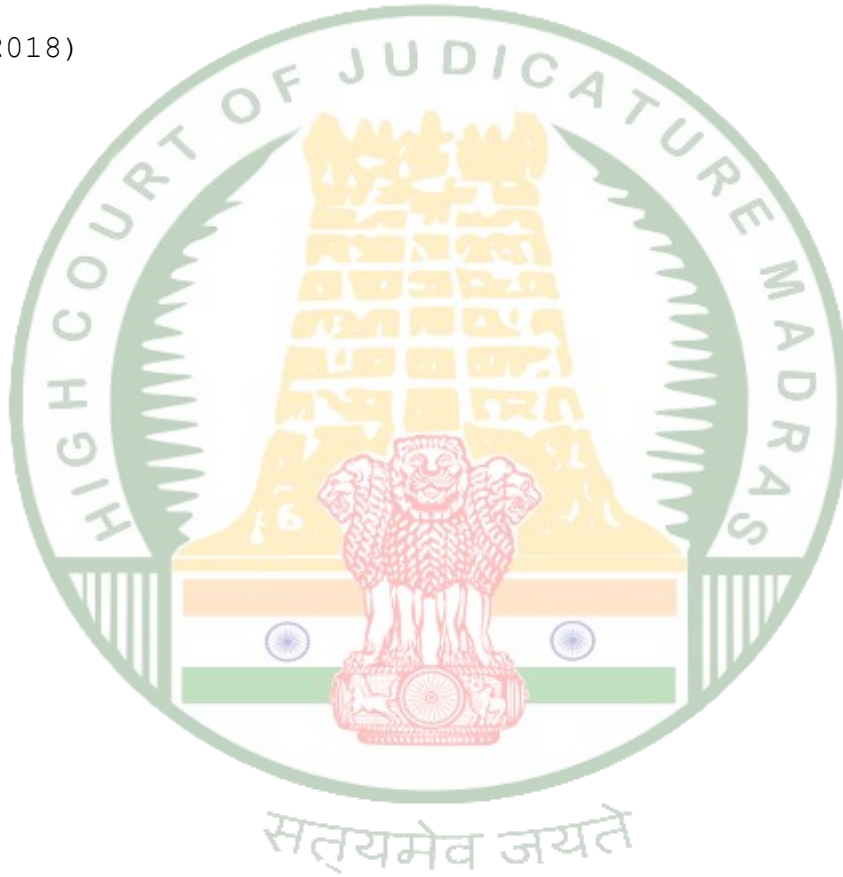
1.The Registrar  
Anna University  
Chennai-600 025

2.The Dean  
Anna University Regional Campus  
-Tirunelveli  
Tirunelveli-627 007.

+1cc to Mr.R.Diwakaran, Advocate SR.No.85955  
+1cc to Mr.L.P.Shanmugasundaram, Advocate SR.No.85689

Writ Petition No.30773 of 2017

KJ(CO)  
GN(08/01/2018)



WEB COPY