

**HON'BLE SRI JUSTICE SURESH KUMAR KAIT
AND
HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI**

W.P.No.19971 OF 2018

ORDER: (ORAL)

(per Hon'ble Sri Justice Suresh Kumar Kait)

Vide the present petition, the petitioners have challenged order dated 02.02.2018 passed in O.A.No.2402 of 2017 whereby the application filed by the respondent under Section 19 of the Administrative Tribunals Act 1985 has been allowed.

2. The case of the respondent is that the Government has issued G.O.Ms.No.209, dated 20.11.2010 whereunder Lecturers (Teachers), working in Technical Education Department, were extended the benefit of All India Council for Technical Education Scales of Pay 2006. As per Paragraph 4 of Appendix 'A' to the said G.O., certain other benefits were also conferred as incentives and the same is as under:

“(ii) M.Phil degree holders at the time of recruitment to the post of lecturer shall be entitled to two non-compounded advance increments.”

3. Accordingly, the case of the petitioner is that apart from the Post Graduate degree of M.Sc. (Maths), the respondent also possessed M.Tech. in Industrial Mathematics and Scientific Computing in the year 2008 from the IIT, Madras (Chennai). Therefore, in terms of the above referred

sub-para (iii) since he possessed P.G. Degree of M.Tech., in the relevant branch of Mathematics, he is entitled for two non-compounded advance increments at the entry level i.e., from the date of his appointment itself.

4. Learned Government Pleader appearing on behalf of the petitioner submits that the respondent is holding the post of Lecturer in non-Engineering subject and requisite qualification is Post Graduation in Mathematics. He also possessed M.Tech. in Industrial Mathematics and Scientific Computing from IIT Madras. Though it is an additional qualification, however, it is also a Post Graduation. Therefore, as the respondent does not possess any post graduation degree in professional course, he is not entitled for the benefit of two-non-compounded advance increments as per G.O.Ms.No.209.

5. A perusal of G.O.Ms.No.178 Higher Education (T.E.I-2) Department, dated 09.12.2005, for the purpose of appointment as Lecturer in Mathematics (Class-B Category 10), a first class Post Graduate degree in appropriate subject, is required. Since the respondent possessed M.Sc (Maths), he was qualified and appointed accordingly. With regard to the M.Tech qualification, he obtained from Indian Institute of Technology, Madras (IIT-Chennai). The Professor and Head of the Department of Mathematics has issued a certificate dated 15.12.2016 in favour of the respondent as follows and the

respondent has relied upon the same while making representation to the petitioner :

“ TO WHOM SO EVER IT MAY CONCERN

This is to certify that Mr E.Dhananjaya (Roll No.MA06M004) was a student of our Mathematics Department for the M.Tech program in Industrial Mathematics and Scientific Computing during the academic year 2006-2008. This program is offered by Mathematics Department, and it very much relevant to the discipline of Mathematics.”

6. Yet another certificate came to be issued by the Head of the Department to the following effect:

“ TO WHOM SO EVER IT MAY CONCERN

This is to certify that Mr E.Dhananjaya (Roll No.MA06M004) has successfully completed the M.Tech (Industrial Mathematics & Scientific Computing) program in the month of May 2008 and this M.Tech program is higher level than the M.Sc (Mathematics) program across India and further eligibility for this M.Tech program is M.Sc. This program is also higher level than the M.Phil program as this M.Tech program is two year program after M.Sc. whereas M.Phil program is one year program after M.Sc.”

7. It is established from the aforesaid documents that the M.Tech., programme undergone by the respondent for a period of two years in IIT, Madras, is the higher level than that of Post Graduation and even M.Phil programme. As per the above certificate of the Head of the Department of IIT, the minimum qualification required for admission into M.Tech programme is M.Sc., and it is for two years, whereas M.Phil programme is only for one year, that too, the said M.Tech is in the branch of Mathematics being taught by the respondent.

Accordingly, it can be safely said that the respondent possessed a Post Graduation degree of M.Tech., which is higher level degree than M.Sc., (Maths) required for the post and it is in relevant branch/discipline, issued by the IIT, Madras, which is a statutory body.

8. It is pertinent to mention here that as per Sub-Paragraphs (ii) & (iii) of Paragraph 4 of the Andhra Pradesh Revised AICTE Scales of Pay 2006 issued in G.O.Ms.No.209 that M.Phil holders and the P.G Degree holders in professional courses M.Tech/M.Arch/M.Pharm/ in relevant branch/discipline are entitled for the benefit of two non-compounded advance increments. No where in the said G.O it was restricted or a bar was imposed to the effect that the said benefit is applicable to engineering branches only. Sub-paragraph-(iii) clearly establishes that “relevant branch/discipline” and the respondent’s M.Tech is in the discipline of Mathematics, that too, at a higher level of Industrial Mathematics and Scientific Computing.

9. In view of the above, entitlement of the respondent has to be dealt with regard to the subject he possessed in M.Tech and there cannot be any distinction whether it is an engineering subject or a non-engineering subject.

10. On a plain reading of the certificate issued by Head of the Department of Mathematics IIT Madras, it is clear that

this M.Tech programme undergone by the respondent is even higher than the M.Phil programme offered by them.

11. In view of the above discussion, we do not find any illegality in the impugned order dated 02.02.2018 passed in O.A.No.2402 of 2017 by the tribunal.

12. Finding no merit in the instant petition and the same is accordingly dismissed. No order as to costs.

Miscellaneous Petitions, if any pending, shall stand closed.

SURESH KUMAR KAIT, J.

ABHINAND KUMAR SHAVILI, J.

Date : 02-07-2018
Gvl

