

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 13.09.2019
CORAM
THE HONOURABLE Mr. JUSTICE M. DHANDAPANI
W.P.No.13930 of 2019

Dr.P.Gopinathan

...

Petitioner

vs

1.State of Tamil Nadu
rep.by Secretary to Government,
Department of School Education,
Youth Welfare and Sports Development,
Fort St. George,
Chennai - 600 009.

2.Tamil Nadu Physical Education and Sports University
rep.by the Registrar,
Chennai - 600 127.

3.The University Grants Commission,
rep.by its Secretary,
Behadur Shah Zafar Marg,
New Delhi - 110 002.

...

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 2nd respondent to count the past regular service rendered by the petitioner for the purpose of granting promotions under Career Advancement Scheme as provided under Clause 10 of University Grant Commission Regulations on Minimum Qualifications for appointment of Teachers and other academic staffs in Universities and Colleges and measures for the maintenance of standards in Higher Education, 2010.

For Petitioner

:

Mr.Parvinbanu

For Respondents

:

Mr.R. S. Selvam,
Government Advocate for R1

Mr.R.Gopinath for R2

Mr.B. Rabu Manohar for R3

ORDER

This petition has been filed seeking for a direction to the 2nd respondent to count the past regular service rendered by the petitioner for the purpose of granting promotions under Career Advancement Scheme as provided under Clause 10 of University Grant Commission Regulations on Minimum Qualifications for appointment of Teachers and other academic staffs in Universities and Colleges and measures for the maintenance of standards in Higher Education, 2010.

2.The case of the petitioner is that the petitioner was appointed as Physical Director from 12.02.1993 to 27.08.1993 in D.G. Vaishnav College on temporary basis. Thereafter, he was appointed as Physical Director (Lecturer) in Asan Memorial College of Arts and Science. On 11.12.1995, the University of Madras approved his qualification and his services were regularised with effect from 09.06.1995. Thereafter, the petitioner was appointed as Assistant Professor on 04.08.2008 through direct recruitment in the 2nd respondent University. The UGC Regulations, 2010, came into force with effect from 30.06.2010. As per Clause 10 of the UGC Regulations, 2010, the petitioner is entitled to count his past services for promotion under the CAS. On 16.12.2011, the petitioner submitted his representation to the 2nd respondent regarding counting of past services. Though the CAS Scrutiny was conducted on 17.10.2012, the reports were not published till date.

3.It is the further case of the petitioner that again on 22.09.2014 and 15.12.2015, the petitioner submitted his representations requesting to count the past services rendered by him. On 25.02.2016, the Scrutiny Committee asked the petitioner to submit EPF particulars and the petitioner was given CAS promotion from Assistant Professor Stage 1 to Stage 2 with AGP of Rs.7,000/- with effect from 28.09.2012 on 03.03.2016. The petitioner submitted several reminders on 01.09.2016, 28.11.2016 and 23.01.2017 to count past services. The grievance of the petitioner is that in July 2018, the 2nd respondent issued a CAS Circular along with an application which had a Column to fill up the past services rendered and the same was removed in the next day itself. Through the UGC Regulations were issued in the year 2010, the 2nd respondent has not conducted any CAS counting the past services rendered for the reasons nest known to them till date. Hence, this petition has been filed.

4.The learned counsel for the petitioner would submit that it would be suffice to issue directions to the respondents to dispose of the representation in accordance with law.

5.Considering the facts and circumstances of the case and the limited request made by the learned counsel for the petitioner, this Court directs the respondents to dispose of the representation dated 12.04.2019, if not disposed already within a period of twelve (12) weeks from the date of receipt of a copy of this order.

With the above direction, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

mps

To

1.Secretary to Government,
State of Tamil Nadu,
Department of School Education,
Youth Welfare and Sports Development,
Fort St. George,
Chennai - 600 009.

2.The Registrar,
Tamil Nadu Physical Education and Sports University
Chennai - 600 127.

3.The University Grants Commission,
rep.by its Secretary,
Behadur Shah Zafar Marg,
New Delhi - 110 002.

+1cc to Mr.R.Gopinath, Advocate sr.79646
+1cc to M/s.Parvin Banu, Advocate sr.79039
+1cc to M/s.B.Rabu Manohar, Advocate sr.78981

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sr(co)
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