

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE :23.09.2020

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. NO.21494 OF 2013

Dr.P.Muthaiyan

.. Petitioner

- Vs -

The Registrar,
Pondicherry University,
Pondicherry 605 014.

.. Respondent

Writ petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of certiorarified Mandamus or any other appropriate. Writ order or direction to call for the records of the proceedings in Ref.No.PU/ESTT/ET3/2011-2012/323 dated 01.11.2011 and to quash the same as illegal, incompetent and without Jurisdiction in so far as it restricts the promotion of this petitioner from the post of Associate Professor to Professor of Economics with effect from 19.06.2011 and to consequently direct the respondent to treat the promotion of this petitioner from the post of Associate Professor to Professor of Economics with retrospective effect from the year 2000 with all consequential benefits and pay. (Prayer amended as per order dated 22.04.2014 by MMSJ, MP.1/2013 in WP.21494/2013)

For Petitioner : M/S.V.Raghavachari

For Respondents: M/S.A.V.Bharathi

ORDER

The writ petition has been filed by the petitioner to direct the respondent to treat the promotion of this petitioner from the post of Associate Professor to Professor with retrospective effect from the year 2000 with all consequential benefits and pay.

2.According to the petitioner in the year 1987 he had joined as a Lecturer in the Department of Economics and thereafter he was promoted to the post of Reader in the same department. It is the averment of the petitioner that he became eligible for appointment to the post of Professor on completion

of eight years of service as Reader. After numerous representations the petitioner was finally promoted to the post of professor of economics with effect from 19.06.2011. The grievance of the petitioner is that, a person, who was a student under this petitioner had been promoted to the post of professor, ahead of the petitioner. He made several representations to the respondent to consider him for the post of Associate Professor with retrospective effect from the year 2000 with all consequential benefits and pay, however till date there was no action taken by the respondent. Hence the present petition.

3.Learned counsel appearing for the petitioner submitted that as per the guidelines issued by the UGC , revised guidelines for CAS promotion from Reader to Professor the petitioner submitted relevant documents in the year 2005, however all those documents were received under the Career Advancement Scheme (CAS) promotion, however no order was passed. He was only promoted in the year 2011, though he is entitled to be considered for promotion to the post of Professor. Hence he prays for allowing the petition with the above said prayer.

4.On the above contention, this Court heard the learned standing counsel appearing for the respondents, who has filed a counter affidavit on behalf of respondent, denying the averments made by the petitioner and contended that in the year 2002 UGC issued revised guidelines for CAS Promotion from Reader to Professor and the petitioner was informed vide letter dated 1.4.2005 to submit documents viz., (1) reprint of peer reviewed articles published in quality journals explicitly indicating the year, volume and page number of publication (2) Self appraisal reports for the year 2001-2002 for processing of his application seeking promotion under the revised guidelines for CAS issued by the UGC. The petitioner was again asked to provide proof of peer reviewed 5 articles by this office letter dated 1.8.2005. On 15.2.2006 the petitioner was once again informed to provide proof of one peer reviewed article indicating the year and the page number of publications submitted by him. It is further submitted that the screening committee meeting held on 4.2.2009 recommended 5 publications of the petitioner Dr.P.Muthaiyan for evaluation. After evaluation by four experts the petitioner was found not qualified for consideration for CAS promotion. Accordingly based on the recommendations of the Experts, the petitioner was advised on 30.8.2010 to apply with his latest publication after one year from the date of selection committee meeting (i.e. One year after 19.6.2010) as per the UGC guidelines. It is therefore submitted that the prayer is devoid of merits.

5. This Court considered the rival contentions advanced by

either side and perused the materials available on record.

6. The facts in the case are not disputed. Though the petitioner was informed to produce the reprint of peer reviewed articles published in quality journals explicitly indicating the year, volume and page number of publication, and self appraisal reports for the year 2001-2002 for processing of his application seeking promotion under the revised guidelines for CAS issued by the UGC and the same has been followed up by the respondents calling upon the petitioner to furnish the particulars called for, however, the petitioner has not taken any earnest effort to produce the relevant documents as sought for. Further, the selection committee, on an analysis of the documents later submitted by the petitioner, had rejected the case of the petitioner. Such being the case, this Court cannot sit in appeal over the decision of the experts to hold that the petitioner is qualified to be considered for promotion. Further, it is to be pointed out that the present petition has been filed after a lapse of 13 years and the petition is definitely hit by laches, as no reason has been placed by the petitioner to substantiate the delay.

7. For the reasons aforesaid, the present petition is devoid of merits and, accordingly, the same is dismissed. However there shall be no order as to costs.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

To
The Registrar,
Pondicherry University,
Pondicherry 605 014.

+1cc to Mr.A.V.Bharathi, Advocate, Sr.No.31314
+1cc to Mr.V.Raghavachari, Advocate, Sr.No.31067

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