



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2022

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.1556 of 2020
and WMP.No.1824 of 2020

1.V.V.Venkatachalam
2.R.Balasubramanian
3.L.R.Aravind Babu
4.B.Sudhakar

... Petitioners

Vs

1.The Chairman,
University Grants Commission,
New Delhi.

2.The State of Tamil Nadu,
Rep.by its Secretary to Government,
Higher Education Department,
Fort St.George,
Chennai - 600 009.

3.The State of Tamil Nadu,
Rep.by its Secretary to Government,
Finance Department,
Fort St.George,
Chennai - 600 009.

4.The Vice Chancellor,
Annamalai University,
Annamalai Nagar, Chidambaram.

5.The Registrar,
Annamalai University,
Annamalai Nagar, Chidambaram.

6.Professor Velayutham Murugesan,
Vice Chancellor,
Annamalai University,
Annamalai Nagar, Chidambaram.

7.Prof.Dr.N.Krishnamohan
Registrar i/c. Annamalai University,
Annamalai Nagar, Chidambaram.

... Respondents

PRAYER: This Writ Petition has been filed under Article 226 of the Constitution of India, praying to issue Writ of Certiorarified Mandamus, to call for the records relating to the order dated 22.11.2019 of the 5th respondent herein in Office Memorandum No.C-4/79125/2019, quash the same and



consequently direct the respondents 1 to 4 herein to initiate action and conduct enquiry with regard to the selection process pursuant to the notification dated 08.08.2018 in letter No.AU/CAS/2018 under the Career Advancement Scheme.

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For Petitioners: Mrs.AL.Ganthimathi

For R1 : Ms.V.Sudha

For R2 : Mr.V.Veluchamy,
Additional Government Pleader

For R3 : Mr.P.Baladhandayutham
Special Government Pleader

For R4 to R7 : Mr.K.Sathishkumar

O R D E R

This Writ Petition has been filed to call for the records relating to the order dated 22.11.2019 of the 5th respondent herein in Office Memorandum No.C-4/79125/2019, quash the same and consequently direct the respondents 1 to 4 herein to initiate action and conduct enquiry with regard to the selection process pursuant to the notification dated 08.08.2018 in letter No.AU/CAS/2018 under the Career Advancement Scheme.

2.Brief facts of the case:

(i)The petitioners herein are Teaching Faculty Members,1 representing 5 faculties of studies such as Arts, Science, Engineering & Technology, Agriculture and Marine Sciences, in the Respondent University for the past more than 14 years. The Respondent/Annamalai University, by notification dated 08.08.2018 in letter No.AU/CAS/2018 called for applications from eligible teachers and other staff under the Career Advancement Scheme (CAS), for promotions. The said notification has been issued as per the instructions of the UGC. The petitioners have also submitted their applications and participated in the selection process. Even though many of the members including the petitioners possess the required qualification, experience and score etc., the petitioners were not considered.

(ii)It is further stated that there are lot of irregularities in the selection process for which petitioners have sent their representations, objecting the procedure adopted by the University along with proof and the same were not considered by the respondent University. Aggrieved over the same, the petitioners approached this Court in W.P.No.29120 of 2019 and vide order dated 04.10.2019, this Court has directed the Respondent/Annamalai University to consider the petitioners' representations dated 09.09.2019 and pass orders on merits and in accordance with law within a



period of four weeks. Pursuant to the orders of this Court, the Respondent University by a Memo dated 22.11.2019, passed orders stating that the applications were scrutinized by Subject Experts and no favouritism has been shown to the faculty members and no undue advantage has been extended to the spouse of the scrutiny member and further the faculty members, who fulfilled the minimum requirement as prescribed by UGC/AICTE were only awarded promotions.

(iii).Further, stated that though they prayed for an enquiry with regard to the selection process by specifically quoting the instances where the procedures and regulations have been violated, the 5th respondent had passed a vague order without going through any of the allegations made by the petitioners and without conducting enquiry. Aggrieved over the same, with no other option the petitioners are before this Court.

4.The learned counsel for the petitioners vehemently contended that the whole selection process has not done in a proper manner, by the Respondent University. Further the 5th respondent tried to close the issues by giving vague answers to the representations given by the petitioners. Therefore, he seeks for quashing of the order dated 22.11.2019 and to initiate action and for enquiry with regard to the selection process pursuant to the notification dated 08.08.2018.

5.The learned Special Government Pleader (Education) appearing for the respondents would submit that a status report has been filed as per the direction of this Court, by stating that the Government in High Education Department have constituted a committee to enquire into the news items and complaints with regard to the irregularities in awarding promotions in Periyar University, Salem, Madurai Kamaraj University, Madurai and Annamalai University vide G.O.(D). No.153, Higher Education (K1) Department, dated 25.06.2021 and as amended in G.O.(D).No.173, Higher Education (K1) Department, dated 16.07.2021. Further, he would submit that the above said Committee has conducted the enquiry into the allegations said to have been committed in respect of awarding promotions in Periyar University, Salem, Madurai Kamaraj University, Madurai and Annamalai University and the enquiry report in respect of Madurai Kamaraj University has already been submitted to the Government. The preparation of enquiry reports in respect of Periyar University and Annamalai University are under process. The enquiry reports will be submitted before the Government soon. As soon as the reports are received by the Government, necessary action will be taken on the said report by the Government.

6.Heard the learned counsels on either side and perused the materials placed on record.



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7. In view of the above, considering the facts and circumstances of the case, this Court is inclined to pass the order as follows:

(i). In respect of Periyar University and Annamalai University are concerned, the first respondent is directed to proceed in accordance with law and take appropriate action based on the enquiry report submitted by the committee.

(ii). In respect of the other Universities are concerned to issue necessary instructions to the committee to submit the report at an earliest without further delay.

8. With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar (CS VIII)

//True Copy//

Sub Assistant Registrar

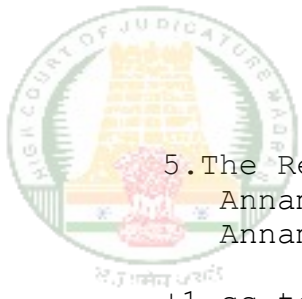
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To

1. The Chairman,
University Grants Commission, New Delhi.

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

3. The State of Tamil Nadu,
Rep. by its Secretary to Government,
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4. The Vice Chancellor,
Annamalai University,
Annamalai Nagar, Chidambaram.



5.The Registrar,
Annamalai University,
Annamalai Nagar, Chidambaram.

+1 cc to Mrs.AL.Ganthimathi, Advocate Sr.NO.12573

+1 cc to Ms.V.Sudha, Advocate Sr.NO. 12240

+1 cc to Government Pleader Sr.NO. 13049,12766

W.P.No.1556 of 2020
and WMP.No.1824 of 2020

PM(CO)
A.SK(31/03/2022)