



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.12.2022

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THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.1687 of 2021

Dr.G.Sathiyar

... Petitioner

v.

The Bharathidasan University,
Rep.by its Registrar,
Trichy – 620 024.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondent to grant promotion to the petitioner as an Associate Professor in the respondent university under the CAS Scheme by considering his representation dated 01.01.2021 within the time that may be stipulated by this Court.

For Petitioner : Mr.M.Ajmalkhan, Senior Counsel
for Mr.K.Ponniah
For Respondents : Mr.V.R.Shanmuganathan
Standing counsel



ORDER

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Heard the learned Senior Counsel appearing for the petitioner and the learned standing counsel for the respondent university.

2.The petitioner joined the Bharathidasan University as Lecturer in the year 2008. He became an Assistant Professor. The petitioner seeks promotion to the post of Associate Professor under what is known as Career Advancement Scheme. The petitioner gave a representation dated 01.01.2021 and since it was not considered, he filed the present writ petition.

3.The respondents had declined the petitioner's request primarily on two grounds. They are as follows :

“(a)As per UGC guideline, Assistant Professor (SG-AL-12) to Associate Professor (AL-13A) should have successfully guided at least one candidate.

(b) should have completed one Refresher course/work shop – duration – 2 weeks (10 days) or two courses of at least one week (five days) duration).”

4.The learned Senior Counsel would submit that due to subsequent developments at least one of the grounds will no longer survive. The learned standing counsel for the respondent submitted that the materials now relied



on by the learned Senior counsel for the petitioner were not placed before the screening committee. He therefore called upon this Court to direct the petitioner to file a fresh application so that the screening committee can take a fresh decision. He wanted this Court to uphold the stand of the respondents. I had earlier called upon the counsel on record for the petitioner to share all the credentials of the petitioner with the standing counsel so that a full-fledged response can be elicited here itself.

5. When the matter was taken up for hearing, the learned Senior Counsel relied on the following documents :

a) Issuance of Ph.D degree in favour of one G.Backiyalakshmi on 12.11.2021.

b) Completion of three weeks faculty development programme from 27.11.2018 to 17.12.2018.

The certificate of Declaration of Ph.D degree of Ms.G.Backiyalakshmi clearly mentions the petitioner as research supervisor. The respondents have filed a report but it does not deal with the aforesaid materials.

6. I carefully considered the rival contentions and went through the materials on record. The relevant part of the UGC regulations dated 18.07.2018 is as follows :



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"III. Assistant Professor (Selection Grade/Academic Level 12) to Associate Professor (Academic Level 13A)

1) Assistant Professor who has completed three years of service in Academic Level 12/Selection grade.

2) A Ph.D Degree in the subject concerned/allied/relevant discipline.

3) Any of the following during last three years : completed one course/programme from amongst the categories of Refresher Courses/Research Methodology Workshops/Syllabus Up-gradation Workshop/Teaching-Learning-Evaluation Technology Programme/Faculty Development Programme of at least two weeks (ten days) duration (or completed two courses of at least one week (five days) duration in lieu of every single course/programme of at least two weeks (ten days) duration); or completed one MOOCs course (with e-certification); or contribution towards the development of e-content in 4-quadrant (at least one quadrant) minimum of 10 modules of a course/contribution towards development of at least 10 modules of MOOCs course/contribution towards conduct of a MOOCs course during the period of assessment.

4) A minimum of seven publications in the peer-reviewed of UGC-listed journals out of which three research papers should have been published during the assessment period.

5) Evidence of having guided at least one Ph.D candidate."

7. I am more than satisfied that the petitioner has guided one Ph.D candidate ie., G. Backiyalakshmi. Likewise, it has been established before me that the petitioner has also undergone faculty training development



programme for a period of three weeks. Of course, in the report, it is claimed that the development programme undergone by the petitioner had already been taken into account for granting him promotion. But the particulars set out in the report pertained to earlier programmes undergone by the petitioner and not the one undergone from 27.11.2018 to 17.12.2018. Thus, it is clear that the petitioner has made out a case for grant of promotion as Associate Professor under the aforesaid scheme.

8.The respondents are therefore directed to consider the petition mentioned application in the light of the aforesaid observations and grant him promotion if there is no other impediment. An order in accordance with law shall be issued within a period of five weeks from the date of receipt of copy of this order.

9.This writ petition is allowed accordingly. No costs.

02.12.2022

Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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W.P.(MD)No.1687 of 2021

02.12.2022