



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 10.01.2022
CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY
W.P. (MD)No.4976 of 2014

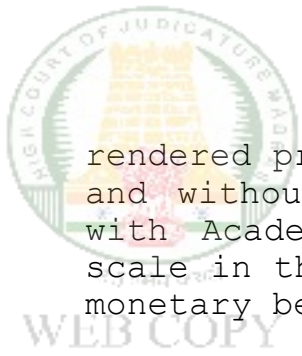
D.Nirmala

... Petitioner

vs

1. All India Council for Technical Education
represented by its Chairman, New Delhi.
 2. The State of Tamil Nadu,
represented by its Secretary to Government,
Higher Education (C2 Department),
Fort St. George, Chennai - 600 009.
 3. The Additional Principal Secretary,
Higher Education Department,
Chennai - 600 009.
 4. The Commissioner of Technical Education,
Directorate of Technical Education,
Guindy, Chennai - 600 025.
 5. The Assistant Director (Administration),
Directorate of Technical Education,
Chennai - 600 025.
 6. The Government Polytechnic College for Women,
represented by its Principal,
T.P.K.Road, Madurai - 625 011.
- ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to Clause 1 (a) (ix) of All India Council for Technical Education (Pay Scales, Service Condition and Qualifications for the Teachers and other Academic Staff in Technical Institutions (Diploma) Regulations 2010 issued by the first respondent in Notification Ref.F.No:37-3/Legal/2010, dated 22.01.2010 and consequential order of the second respondent issued in G.O.Ms.No.111 Higher Education (C2) Department, dated 25.05.2010 and in so far as imposing condition that the petitioner is eligible to get Academic Grade Pay of Rs.8000/- only if she has completed five years of service with Academic Grade Pay of Rs.7000/- in the post of Lecturer and consequential impugned rejection orders of the respondents 3 and 5 in letter No.21551/C2/2010-8, dated 24.07.2012 and in Memo No.12427/B2/2013, dated 27.09.2013, quash the same as illogical, arbitrary and unreasonable and direct the respondents to grant Academic Grade Pay of Rs.8000/- by counting her service



rendered prior to 01.01.2006 in the post of Upgraded Senior Lecturer and without insisting five years service in the post of Lecturer with Academic Grade Pay of Rs.7000/- and accordingly re-fix her scale in the post of Lecturer (Selection Grade) and to pay attendant monetary benefits.

For Petitioner : Mr.A.R.Rahul

For Respondents : Mr.N.Dilip Kumar for R1
Mr.D.Sachi Kumar for R2 to R6
Additional Government Pleader

O R D E R

This Writ Petition is filed, claiming to grant Grade pay of Rs.8000/- as stated in Schedule II, S.No.7.

2. When the matter was taken up for hearing today, AICTE has come up with the clarification that the condition "more than five years of service" with Academic Grade Pay of Rs.7000/- (Rupees Seven Thousand only) was relaxed and the relevant portion in the clarification is reproduced here:

(*) Deleted

"In this connection, it may be mentioned that AICTE has issued notification dated 05.03.2010, in the wake of recommendations of 6th CPC and the same is placed on the file at Flag-'B'. The conditions for Career Advancement Scheme (CAS) for teachers in Polytechnics has been laid down therein and it is clearly provided that Lecturers with completed service of 05 years with AGP of Rs.7,000/- shall be eligible subject to other requirements laid down by the AICTE to move up to the AGP of Rs.8,000/-. The provision is very clear that in order to avail the benefit of Selection Grade the incumbent should have residency period of 5 years in Senior Scale of lecturer with AGP of Rs.7,000/- or its equivalent prior to 6th pay commission when there was no concept of AGP. It is therefore clear that the service rendered by the petitioner in the post of Lecturer (Sr, Scale) prior to 6th CPC will also be counted for mandatory requirement of 05 years service in order to move to AGP of Rs.8,000/-.

As per the mail received from the Advocate, the Hon'ble Court has sought clarification with reference to Para 7 and 8 of the affidavit of the petitioner where she



has referred to the Government Order issued by the State Government of Tamil Nadu. The order has been issued by the State Government and therefore, the clarification sought by the Hon'ble Court will have to be provided by the State Government of Tamil Nadu who are Respondent No.2, 3 and 4 in this case. The comments earlier given by RIFD Bureau may be seen at page 2/N and where against para 4 it has been mentioned that the petitioners in this case were appointed as Instructors which are outside the purview of AICTE. Regulations and it is for the State Government to regulate the service conditions accordingly. In this connection, it may be noted that there is no provision to recruit Lecturer in Polytechnics by way of promotion and the mode of appointment to the post of Lecturer is by way direct recruitment."

3. Since, the first respondent has issued the clarification, this Court deems it fit, the second respondent shall consider the clarification issued by the first respondent and thereafter, pass an order.

4. Therefore, this Court set aside the impugned order and directing the second respondent to pass an order afresh after taking into consideration the clarification issued by the first respondent. This exercise shall be completed within twelve weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar(AS)

(*)Amended as per the order of this court dated 09.03.2022

Sd/-

Assistant Registrar(AS)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

jbr

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.



(*) to be substituted the order already despathced on 24.02.2022

To

1. The Secretary to Government,
The State of Tamil Nadu,
Higher Education (C2 Department),
Fort St.George,
Chennai - 600 009.
2. The Additional Principal Secretary,
Higher Education Department,
Chennai - 600 009.
3. The Commissioner of Technical Education,
Directorate of Technical Education,
Guindy, Chennai - 600 025.
4. The Assistant Director (Administration),
Directorate of Technical Education,
Chennai - 600 025.
5. The Principal,
The Government Polytechnic College for Women,
T.P.K.Road,
Madurai - 625 011.

+1 CC to M/s.N.DILIPKUMAR, Advocate (SR-1230[F] dated 11/01/2022)
+1 CC to M/s.A.RAHUL, Advocate (SR-1097[F] dated 10/01/2022)
+1 CC to M/s.SPL GP (SR-1266[F] dated 11/01/2022)

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SMV(CO)
TR(22.02.2022) 4P 9C

SMV(CO)
KB(23.03.2022) 4P 9C