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W.P.No.2580 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2023

CORAM :
THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.2580 of 2012

V.Radjindirane

... Petitioner

Vs.

- 1.The Secretary for Education-cum-The Chairman,
PIPMATE,
Chief Secretariat (Education), Govt. of Puducherry,
Puducherry – 605 001.
- 2.Member Secretary,
Pondicherry Institute of Post Matric Technical Education (PIPMATE),
Lawspet, Puducherry – 605 008.
- 3.Principal,
Dr.B.R.Ambedkar Govt. Polytechnic College,
Yanam – 533 464.
- 4.All India Council for Technical Education,
Rep. by the Chairman,
Chandralok Buildings, 7th Floor,
Opp: Western Court, Janpath Road,
New Delhi – 110 001.
- 5.The University Grants Commission,
Rep. by its Chairman,
Bahadur Shah Safar Marg,
New Delhi – 110 002.

... Respondents



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Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus directing the 1st and 2nd respondents to place the petitioner in the pay scale of Rs.8000-13,500 with effect from the date of appointment and further place him in the corresponding revised Pay Band of Rs.15600-39100 with Grade Pay of Rs.6000 with effect from 01.01.2006 and also grant additional increments for possessing higher qualification of M.Phil. Degree with all monetary benefits including arrears of pay.

For Petitioner : Mr.Karthik
Mr.Mukundan
Mr.Neelakantan

For Respondents 1 to 3 : Mr.T.P.Manohar

For Respondent 4 : Mr.B.Rabu Manohar,
Central Government Standing
Counsel

For Respondent 5 : Mr.P.R.Gopinathan

ORDER

The relief sought by the petitioner in this writ petition is to direct the 1st and 2nd respondents to place the petitioner in the pay scale of Rs.8,000-13,500 with effect from the date of appointment and further place him in the corresponding revised Pay Band of Rs.15600-39100 with Grade Pay of



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Rs.6000 with effect from 01.01.2006 and also grant additional increments for possessing higher qualification of M.Phil. Degree with all monetary benefits including arrears of pay.

2. The case of the petitioner is that the petitioner viz., V.Radjindirane was entered the service as Physical Director in Dr.B.R.Ambedkar Polytechnic, Yanam on 29.07.1998 in the time scale of Rs.5,000-8,000/- and later revised to Rs.5,500-9,000/-. The petitioner possesses B.Sc. (Physical Education) B.Ed. M.A. (Sociology) and M.P.Ed. & M.Phil Degree (June 2009). Thereafter, the fourth respondent/AICTE formulated revision of pay scales and service conditions for diploma level technical institutions in the country and as per these recommendations dated 30.12.1999, the revised scales of pay for the post of Physical Instructors in diploma level technical institutions were revised to Rs.8000-13,500/-. Furthermore, for persons possessing M.Phil degree, two additional increments are to be granted.

2.1. Despite the above notification, the pay scale of the petitioner was not revised and no specific recommendation was made with regard to the qualifications necessary for the post of Physical Director. Subsequently, on



10.09.2003, the fourth respondent/AICTE issued clarifications with regard to the pay scales and service conditions for appointees in degree/diploma level technical institutions and stated that the qualifications required for the aforesaid post would be as per the qualifications laid down by the fifth respondent/UGC.

2.2. In view of the above, the petitioner made a query before the fourth respondent/AICTE, whether, the aforesaid service conditions will applicable to diploma level technical institutions. In turn, the fourth respondent/AICTE dated 22.09.2006, replied that persons holding M.Phil and Ph.D. Degree are exempted from NET test. The petitioner satisfied the said qualification and therefore, he made a representation seeking enhancement of his pay scales to Rs.8000-13,500/- with effect from the date of initial appointment. However, no orders was passed. Hence, he filed this writ petition with the aforesaid prayer.

3. When the matter was taken up for hearing, learned counsel appearing for the fourth respondent/AICTE submitted a clarification report dated 20.03.2023 before this Court. For better appreciation, relevant passage



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of the said report is extracted hereunder:-

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“ In this connection, the Legal Cell and the legal counsel were already informed vide this Bureau's earlier comments that the norms relating to the qualification of Librarians and Physical Education Instructors has been prescribed by this Council in Gazette Notification dated 15.03.2000, wherein the qualification of NET is not mentioed anywhere. Hence, the AICTE Gazette Notification dated 15.03.2000 along with the comments of this Bureau may be placed before this Hon'ble High Court.”

4. Learned counsel for the petitioner prayed this Court to issue a direction to the respondents 1 to 3 to grant all the monetary benefits, arrears and increment, which are payable to the petitioner, within a time frame that may be fixed by this Court.

5. Heard the learned counsel on either side and perused the materials available on record.

6. Considering the facts and circumstances of the case and the submission made by the learned counsel on either side, this Court issues the



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following directions:

(i) In regard to the grant of the AICTE Pay Scale with effect from the date of appointment and consequent revision of pay scales under the 6th C.P.C and 7th C.P.C, the respondents 1 to 3 are directed to pass appropriate orders, within a period of six weeks from the date of receipt of a copy of this order.

(ii) In regard to increment, which the petitioner is entitled, the respondents 1 to 3 are directed to consider this aspect, while passing orders.

7. This writ petition is allowed with the above directions. No costs.

27.04.2023

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Index : Yes/No

Speaking Order : Yes/No

Netural Citation : Yes/No

To:

1.The Secretary for Education-cum-The Chairman,
PIPMATE,

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Chief Secretariat (Education), Govt. of Puducherry,
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J. SATHYA NARAYANA PRASAD, J.

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