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W.P.No.8558 of 2022 and W.M.P.Nos.8463, 8464 & 8465 of 2022

THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on	Delivered on
29~09~2023	11~10~2023

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

W.P.No.8558 of 2022 and
W.M.P.Nos.8463, 8464 & 8465 of 2022

Dr.S. Bharanidharan

... Petitioner

vs.

1. The Principle Secretary,
Department of Higher Education,
Government of Tamil Nadu,
9th Floor, EVK Sampath Buildings
College Road, Chennai 600006.

2. The Vice Chancellor
Anna University,
Chennai 600025.

3. The Registrar,
Anna University,
Chennai 600025.

4. Director,
Recruitment Cell,
Anna University,
Chennai 600025.

...Respondents

Prayer: Writ Petition filed under Section 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus or any other appropriate writ, order or direction



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calling for the records on the file of the 3rd Respondent vide notification dated 25.01.2022 in Letter No.001/CAS/RC/PR10&20/22 and 21.03.2022 in Letter No.003/CAS/RC/PR10&20/2022 issued under the Career Advancement Scheme (CAS) and quash both and consequently direct the 3rd Respondent to consider and include the petitioner's post "Computer Scientist" under CAS Scheme for the movement under CAS scheme with retrospective effect with possession of Ph.D increment as per CAS scheme.

For Petitioner : Mr. V. Raghavachari,
Senior Counsel for
Mr.D. Saikumaran

For Respondents : Mr. P. Balathandayutham
Spl. Govt. Pleader [for R1]

Mr.V.Meenakshi Sundram
[for R2 to R4]

ORDER

This Writ Petition has been filed to quash the proceedings in Letter No.001/CAS/RC/PR10&20/2022 dated 25.01.2022 and in Letter No.003/CAS/RC/PR10&20/2022 dated 21.03.2022 issued by the 3rd Respondent i.e., Registrar, Anna University, under the Career Advancement Scheme (CAS) and direct the 3rd Respondent to consider and include the petitioner's post "Computer Scientist" under CAS Scheme with retrospective effect with possession of Ph.D increment as per CAS scheme.



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2.a. It is the case of the Writ Petitioner that in the year 1998 University Grants Commissions had decided to revamp the library system through computerised management and networking in various Universities and decided to implement the INFLIBNET programme in 11 universities in India. Anna University is one such University and the UGC has sanctioned one post of Computer Scientist and provided financial assistance towards the payment of salary components of the post of Computer Scientist for 5 years.

2.b Thereafter, the Government of Tamilnadu in its G.O.Ms.No.220 Higher Education (K2) Department dated 14.06.2000 have accepted the recommendations of Anna University and accorded concurrence to take the liabilities for the remaining period towards the salary of one post of Computer Scientist equivalent to the pay scale of 'Assistant Professor' appointed for this purpose in the revised scale of pay of Rs.8000-275-13500. In this regard the 3rd Respondent has called for recruitment to the post of “Computer Scientist” to digitalize the entire library, by publication in The Hindu Newspaper dated 24.03.2006 with requirement of “NET” proficiency equivalent to the post of “Assistant Professor”. The Petitioner



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was appointed as Computer Scientist in the Anna University Library as per the University procedure in the pay scale of Rs.8000-275-13500 and the scale of pay is also equivalent to the Lecturer cadre (now it is called as Assistant Professor) vide appointment letter dated 29.07.2006 after being selected by the Selection Committee in the 176th Syndicate meeting which was duly approved by the Syndicate held on 28.07.2006. The Petitioner was appointed as Computer Scientist in Anna University Library as per the University procedure on par with the teaching faculty.

2.c. The Petitioner has completed the period of Probation on 31.07.2008. Thereafter, he also did his Ph.D.Program on part time basis in the Dept. of Computer Science and Engineering at Anna University for which permission was accorded by the 3rd Respondent. The Petitioner was sanctioned three non-compounded increments for possessing Ph.D.degree in the Dept. of Computer Science and Engineering at Rs.880/- each, raising his pay from Rs.23,070 + 6000 AGP to Rs.25,170 + 6000 AGP in the scale of pay of Rs.15,600 – 39,100 + 6000 AGP with effect from 31.03.2017 vide proceedings of the 3rd Respondent dated 20.07.2017 as for the teaching faculty.



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2.d The Writ Petitioner has conducted e-learning and e-journal courses periodically for the student community in the audio visual room and digital laboratory and has also taken the orientation programme of the students for library software and automation. He has attended many faculty development programs eligible for Teaching Staff of Anna University with the permission of 3rd Respondent.

2.e. Lr.No.F.30-3/91 (IUC) dated 09.03.1991 from the Under Secretary, UGC, New Delhi had categorically stated that the post of Computer Scientist comes under Non-Vacation Academic Staff. Similarly, the information and Library Network Centre, Ahmedabad has clarified in its Lr.No.INF/SMS/MKU/23.3/2004 dated 02.04.2004 that the status of Computer Scientist is a Non-Vacation Academic Post. It is the case of the writ petitioner that the Post of Computer Scientist in Anna University has also been added equivalent to the post of Assistant Professor in the “Budget Estimates 2009-10 & 2010-11. On 15.12.2012 upon an evaluation done by the Anna University Legal Officer, Professor and Planning Development and Assistant Director of Internal



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Audit, they have recommended that the benefits given to the Assistant Professor has to be extended to Computer Scientist also and on 06.02.2013 the 3rd Respondent has categorically stated that the Petitioner post of Computer Scientist may be transferred to PR20 Section which deals with cadre teaching faculty (Assistant Professor). The 3rd Respondent in his Memo No.351/PR-20/2015 dated 06.10.2015 has stated that the post of Computer Scientist comes under the category of non-vacation Academic Staff based on the Minutes of Meeting of the Syndicate committee held on 18.08.2015. Accordingly, the Writ Petitioner was fixed in the pay band of Rs.15,600-39,1000+AGP 6000 (VI Pay Commission – AICTE Scale Regulations teachers and academic staff) and subsequent annual increments was also sanctioned to the Writ Petitioner.

2.f 3rd Respondent vide letter No.351/RC/2015 dated 25.09.2015 has redesignated 4 members of the similar categories based on the approval of Minutes of Meeting in connection with the grievance of certain faculty members held on 18.08.2015. However, the Petitioner's case has not been considered. When the matter stood thus, when the first Career Advancement Scheme list was published in the year 2017, the petitioner was intended to apply for the Career



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Advancement Scheme, his post was not included in the CAS List. Hence, he sent a representation to the 3rd Respondent and the same was not considered because of the non-inclusion of the post in the G.O.Ms.No.341 Higher Education (C2) Department dated 07.08.2000 and the petitioner was asked to apply in the next CAS. It is his contention that in the post of Computer Scientist, when liabilities were taken up only from 01.04.2002, it is impossible to include the Computer Scientist in the G.O.Ms.No.341 which was issued in the year 2000.

2.g. It is also the case of the Writ Petitioner that the UGC had sanctioned huge number of posts such as Junior Scientific Officer, System Assistant, System programmer, System Analyst and Chief System Programmer etc., in the various five year plan schemes. The Government of Tamilnadu has not given any concurrence for the above said five year plan posts date. The Syndicate in its Resolution No.80.3.7 dated 31.01.1992 has resolved to re-designate the existing post of “System Analyst”, “Chief System Programmer” and “System Programmer” as “Assistant/ Associate Professor” and System Analyst in the scale of Rs.3700-125-4950-150-5700 and the post of system programmer as lecturer in systems programming in the scale of Rs.2200-75-2800-100-4000 and all the incumbents



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are now re-designated as Assistant Professor and Associate Professor.

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2.h. Despite the fact that the Petitioner pay has been fixed in the pay band of Rs.57700-182400 (level 10) (VII Pay Commission – AICTE Pay Scale Regulations teachers and academic staffs) and subsequent annual increments, the petitioner post has not been included in the CAS list and the permission has denied without any reason. If the Petitioner's case is considered he would have been promoted at various levels. Hence this Writ Petition.

3.a In the Counter filed by the 3rd Respondent it is admitted that originally the Computer Scientist post was sanctioned as per UGC guidelines for a period of 5 years. After lapse of 5 years the Government of Tamil Nadu had supported this Scheme and allowed to continue to the post of Computer Scientist in the University equivalent to the pay scale of Assistant Professor and fixed a revised scale of pay Rs.8000-275-13500 by virtue of G.O.(Ms.)No.220 Higher Education (K2) Department dated 14.06.2000. The Petitioner was appointed as Computer Scientist after due process of procedure in recruitment in and by proceeding No.8803/PR24/2006 dated 29.07.2006. It is the contention that since the orders



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were issued in PR20 Section which is dealing with the affairs of faculty members

along with some other issues the same does not mean that the post of Computer Scientist was similar to the post of Assistant Professor. Right from date of appointment the Petitioner working as Computer Scientist in the Anna University Library and his contribution and his nature of work is intended and committed for the development of library system only and according to them, the Petitioner did not take part in teaching line in the University and as such he was neither appointed to the teaching post nor permitted to conduct any classes. There was no promotion avenue for the said post of Computer Scientist as he does not possess any requisite qualification for the same.

3.b. The Grievance Committee constituted by the Anna University has recommended to upgrade the Petitioner's Grade Pay from Rs.5400 to Rs.6000 in the VI Pay Commission. In consequent to that the Petitioner pay had been revised as Rs.15600 – Rs.39,500 + Rs.6000 AGP as per the Proceedings dated 20.07.2017. Merely because the petitioner possess any qualification in addition to his qualification, other qualification has not taken into account for the post of Assistant Professor or any other teaching post and as such the Petitioner was not



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appointed as Assistant Professor but only as Computer Scientist. Hence it is the contention that the Petitioner's post of Computer Scientist comes under the Non-Vacation Academic Staff (NAVS). Further, for the purpose of revised scale of pay and also considering no promotion avenue for the post of Computer Scientist was treated equivalent as Assistant Professor but not treated as Assistant Professor and his pay was fixed in the pay band of Rs.15,600 – 39,100 + 6,000 AGP and subsequent annual increments are regulated in and by proceedings No.333/PR23/2015 dated 31.12.2015.

3.c It is the further contention that the Career Advancement Scheme is a separate scheme which is formulated only for the benefit of regular faculty members and not for the other non academic persons. As per G.O.Ms.No.341 Higher Education (C2) Department dated 07.08.2000 the post Computer Scientist is not included as to treat as teachers. Since there is no promotion avenue for the post of Computer Scientist, Vice Chancellor already placed agenda before the Syndicate for the scale of pay for the post of Computer Scientist on par with Assistant Professor and without any Government Order to treat the post for Computer Scientist as Assistant Professor, there is no necessity for the Vice



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Chancellor to place another Agenda before the Syndicate as claimed by the Petitioner. Since the pay scale of the Petitioner is also increased equivalent to the Additional Professor, petitioner cannot seek inclusion of his name in Career Advancement Scheme (CAS). Hence disputed.

4.a It is the contention of the learned counsel for the Petitioner that the Petitioner was appointed as Computer Scientist in proper recruitment method. Even advertisement issued for appointment makes it clear that the post is equivalent to the post of Assistant Professor. The Petitioner participated in the written test and officially selected as lecturer and pay is also enhanced equivalent to the Assistant Professor. However, the post has not been included in the Career Advancement Scheme (CAS) for the year 2022 and 2023. In the impugned notifications various senior faculty members working with the Petitioner were promoted to various stages and posts in violation of norms. There were 6 employees of the same cadre Computer Scientist, System Programmer, System Assistant, Computer Operator, System Analyst, Scientist 'C' and Chief System Programmer have been re-designated as Assistant Professor and Associate Professor vide Syndicate Resolution. Even in the year 2008 some other cadres



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were also regularised. However, the Petitioner from the date of joining in 2006 is only at 7th CPC Level-10 (stage-1) and no promotion was given. The prolonged deprivation of promotion violates Article 14 of the Constitution of India and the stagnation in the same post offends the dignity of labour, violating Article 21 of the Constitution of India. Hence it is his contention that the Petitioner is also entitled to promotion to various cadre in 7th CPC (Level 11 to Level 14) on par with other Academic Staff cumulatively. Besides he is also entitled to incentive awarded for Ph.D., which was discontinued in the year 2020. Hence submitted that the Petitioner name has to be included in CAS programme.

4.b. In support of his contention he relied upon the following judgments of the Honourable Apex Court:

1. O.Z.Hussain vs. Union of India and others [**AIR 1990 SC 311**]
2. Food Corporation of India vs. Parashotam Das Bansal and Ors. [(**2008**) 5 SCC 100]

5.a It is the contention of the learned counsel for the Respondents that the



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promotion has already made under the Career Advancement Scheme and the scheme is implemented. Therefore, this writ petition has become infructuous.

According to the learned counsel, Career Advancement Scheme is a separate scheme which is formulated only for the benefit of Regular Teaching Faculty Members. He further submitted that the scheme is specifically meant for promotion of regular faculties and not to others and promotions were already been effected with respect to the said impugned notices. It is his further contention that the Petitioner at no point of time was in teaching activity. According to them the Petitioner was involved in demonstration plagiarism detection software and other software being used in Library including bibliographical searching, analysis and reports and his service was not academic like curriculum based and may be considered as services to the visitors of the University Library which may include students and teachers. As per the definition 2(e) of the Anna University Act 1978, the faculty means the faculty of the University and as per definition 2(k) of the Anna University Act, Teacher means such dean, director, professor, Assistant Professor, Reader, Lecturer and other like persons as may be declared by the statutes to be teachers. Hence it is his contention that as per the above position the Computer Scientist will not come under the definition of faculty and teacher of the



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Anna University. CAS is specially meant and formulated for teaching academic staff for their promotion. Computer Scientist and teaching faculty are not identical for the purpose of extending the benefit of CAS Scheme. Merely because the Petitioner was appointed as Library Computer Scientist under the cadre-Lecturer since the scale of pay is as equal to the Lecturer's Scale of Pay, it does not mean that he has been appointed as the teaching faculty. The Petitioner post is “Non Vacation Academic Staff” which is not related to the teaching faculty post. A Non Vacation Academic Staff is complimentary to the academic staff but shall not include the staff purely engaged in discharging administrative functions. Considering the fact that the post of Computer Scientist is created post for specific scheme of UGC, the Scale of Pay was fixed as per the pay revision commissions but at par with Assistant Professor Cadre. Hence it is his contention that every now and then the Scale of Pay has been increased as per the Pay Commission implementation.

5.b. As per G.O.Ms.No.341 the categories of Junior System Programmer, System Assistant and Work Superintendent in the Lecturer were treated as teaching staff only, since the said post belonging to teaching position as they are



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held by the teachers of university and will be treated as teachers only. It is the further contention of the learned counsel for the Respondents that as far as the Petitioner's pay scale in 7th CPC Level 10 (Stage-1) the decision will be taken to increase the same and the same has to be done only by the Syndicate. Therefore, it is his contention that the petitioner can not be entitled for promotion as a teaching staff.

6. In the light of the above, the point arises for consideration is whether the Writ Petitioner is entitled to be included as a teaching staff in Career Advancement Scheme (CAS).

7. The main grievance of the Petitioner is that though he was appointed as Lecturer and Non-Vacation Academic staff in the post of Computer Scientist and pay has been revised equivalent to the Assistant Professor, the said post of Computer Scientist has not been included in Career Advancement Scheme (CAS) from the year 2017 upto the year 2023. Computer Scientist Post was originally created under the guidelines of UGC as per the UGC Regulation for a period of 5 years. The qualification prescribed for such post was B.E. Computer or Master



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Degree in Computer Application or Master Degree in Library and Information Science and Post Graduate Diploma in Computer Application or Bachelor Degree in Library and Information Science (B Lib or B.Lib I.Sc) with three years experience in the field and Post Graduate Diploma in Computer Applications (PGDCA). The status of the post is non-academic post. While appointing the Petitioner, an advertisement has been issued on 24.03.2006 for filling up the various posts. In the 'Regular Vacancy Position' tabular column the post of Library Computer Scientist is shown as Lecturer. The Petitioner was appointed after proper recruitment as Computer Scientist under the category of Non-Vacation Academic Staff. Under reference No.27/1A-1/2013 the Internal Audit Section, Anna University had passed the following order:

“Thiru S. Bharanidharan has appointed as Computer Scientist in the University Library in the Lecturer scale of pay i.e., Rs.8000-275-13500 in pre revised scale.”

Hence, the scale of pay with Grade Pay and other benefits given to the Lecture Cadre now re-designated as Assistant Professor in the 6th Pay Commission has to be extended to the Computer Scientist also. Accordingly, orders have been passed



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on 09.06.2020 pay has been revised to the scale of Assistant Professor.

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8. In proceedings in Letter No.351/PR20/2015 dated 12.10.2015 Chief Systems Programmer, Systems Assistant and Scientist 'C' as redesignated as Associate Professor, Assistant Professor (Sr.Grade) and Assistant Professor respectively by the Respondents. In fact, the persons originally appointed on contract basis as Scientist-C, which has been approved in a resolution and redesignated as Associate Professor in the above proceedings. Pay Revision has been made at par with the Assistant Professor mainly on the ground that there is no promotional avenue from the post of Computer Scientist. The Petitioner is also treated as Non-Vacation Academic Staff in Proceedings No.351/PR20/2015 dated 06.10.2015. Thereafter 6th Revised Pay is also given to the Petitioner considering him as Non-Vacation Academic Staff on 31.12.2015. While denying the Career Advancement Scheme to the Petitioner, G.O.Ms.No.341 Higher Education (C2) Department dated 07.08.2000 was put against the petitioner. G.O.Ms.No.341 makes it clear that the following will be Cadre Structure of Anna university:

1. Lecturer

2. Assistant Professor / Reader / Senior Technical Officer



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3. Professor / Senior Workshop Superintendent

4. Dean / Registrar.

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And as per the G.O. the following categories of posts belong to teaching position as they are held by teachers of the University and will be treated as teachers only:

1. Senior Workshop Superintendent, Senior Scientific Officer, Principal Scientific Officer in the cadre of Professor.
2. Senior Technical Officer, Senior project Lender / Co-ordinator to the cadre of Assistant Professor
3. Junior Scientific Officer, System Programmer, System Assistant, Works Superintendent in the cadre of Lecturer.

9. The Petitioner post was not included in the cadre strength, since his pay is on par with the Assistant Professor and he has not included in CAS on the ground that computer scientist is not included as teaching staff in the said G.O. It is relevant to note that the G.O. was of the year 2000 and the Petitioner was



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appointed in the year 2006. That to after the Government has agreed to continue

the scheme of UGC and take the entire liability of the said post. Therefore, this

Court is of the view that G.O.Ms.No.341 cannot be put against the petitioner for

denying Career Advancement Scheme. The other contention of the Respondents is

that since the petitioner was not in teaching area he is only Non-Vacation

Academic Staff, he cannot be considered in the Career Advancement Scheme. It is

relevant to note that even in the written arguments submitted by the Respondents

makes it very clear that the petitioner is involving in the demonstration plagiarism

detection software and other software being used in Library including

bibliographical searching, analysis and reports and his service was not academic

like curriculum based and may be considered as services to the visitors of the

University Library which may include students and teachers. This fact clearly

indicate that the Petitioner is in fact teaching and further he has also appointed as

lecturer cadre and his qualification has not been doubted. Therefore the

Respondents cannot deny such promotion avenue merely citing a G.O.which was

passed much prior to the petitioner's appointment as Computer Scientist.

10. In the judgment of **O.Z.Hussain vs. Union of India (UOI) and others**



[1990 Supp(1) SCC 688] the Honourable Supreme Court has held as follows:

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“7. This Court, has on more than one occasion, pointed out that provision for promotion increases efficiency of the public service while stagnation reduces efficiency and makes the service ineffective. Promotion is thus a normal incidence of service. There too is no justification why while similarly placed officers in other Ministries would have the benefit of promotion, the non-medical 'A' Group scientists in the establishment of Director General of Health Services would be deprived of such advantage. In a welfare State, it is necessary that there should be an efficient public service and, therefore, it should have been the obligation of the Ministry of Health to attend to the representations of the Council and its members and provide promotional avenue for this category of officers. It is, therefore, necessary that on the model of rules framed by the Ministry of Science and Technology with such alterations as may be necessary, appropriate rules should be framed within four months from now providing promotional avenue for the 'A' category scientists in the non-medical wing of the Directorate.”

11. In ***Food Corporation of India and Others vs. Prarashotam Das Bansal and others [(2008) 5 SCC 100]*** the Honourable Apex Court has held that promotion being a condition of service and having regard to requirements it is to be followed with its terms and principles.



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12. Even assuming that he could not be treated as teaching faculty, it is relevant to note that G.O.Ms.No.5 Higher Education (H1) Department dated 11.01.2021 the Government has adopted the UGC regulation for minimum qualification for appointment of teachers and other academic staff in University and Colleges and measures for the maintenance of standards of Higher Education. In the above G.O. the guidelines of the Universities also incorporated. Wherein it is stated that the Ph.D Degree shall be a mandatory qualification for appointment and promotion to the post of Professor; Ph.D. Degree shall be a mandatory qualification for appointment and promotion to the post of Associate Professor. Similarly the same is mandatory qualification for promotion to the post of Assistant Professor.

13. In page 43 of the G.O.Ms.No.5 Higher Education (H1) Dated 11.01.2021 under the head “D. Career Advancement Scheme (CAS) for Librarians” it is stated as follows:

“ ...
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...”

II. From University Assistant Librarian (Senior Scale/Academic level



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11)/College Librarian (Senior Scale/Academic level 11) to University Assistant Librarian (Selection Grade/ Academic level 12/ College Librarian (Selection Grade/Academic level 12)

Eligibility:

- 1) *He/she has completed five years of service in that grade.*
- 2) *He/she has done any two of the following in the last five years:*
 - (i) Training/Seminar/Workshop/Course on automation and digitalisation, (ii) Maintenance and other activities as per Appendix, Table 4 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), (iii) Taken/developed one MOOCs course in the relevant subject (with certification), or (iv) Library up-gradation course.*

CAS Promotion Criteria:

An individual shall be promoted if:

- i) He/she gets a 'satisfactory' or 'good' grade in the annual performance assessment reports of at least four out of the last five years of the assessment period, as specified in Appendix, Table 4, and;*
- ii) The promotion is recommended by a screening-cum-evaluation committee.*



III. From University Assistant Librarian (Selection Grade/Academic level 12)/ College Librarian (Selection Grade/Academic level 12) to University Deputy Librarian (Academic Level 13A)/College Librarian (Academic Level 13A)

- 1) He/she has completed three years of service in that grade.
- 2) He/she has done any one of the following in the last three years:
 - (i) Training/Seminar/Workshop/Course on automation and digitalization,(ii) Maintenance and related activities as per Appendix,Table 4 of at least two weeks' (ten days) duration, (iii) 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), (iv) Taken/developed one MOOCs course in the relevant subject (with e-certification), and (v) Library up-gradation course.

CAS Promotion Criteria:

An individual shall be promoted if:

- i) He/she gets a 'satisfactory' or 'good' grade in the annual performance assessment reports of at least two out of the last three years of the assessment period, as specified in Appendix,Table 4; and
- ii) The promotion is recommended by a Selection



Committee constituted as per these Regulations on the basis of the interview performance.

The criteria for CAS Promotions from University Deputy Librarian/College Librarians (Academic Level 13A) to University Deputy Librarian/College Librarians (Academic Level 14) shall be the following:

- 1) He/she has completed three years of service in that grade.*
- 2) He/she has done any one of the following in the last three years:*
 - (i) Training/Seminar/Workshop/Course on automation and digitalization, (ii) Maintenance and related activities as per Appendix, Table 4 of at least two weeks' (ten days) duration, (iii) 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, (iv) Taken/developed one MOOCs course in the relevant subject (with certification), and (v) Library up-gradation course.*
- 3) Evidence of innovative library services, including the integration of ICT in a library.*
- 4) A Ph.D. Degree in Library Science/Information Science/Documentation /archives and Manuscript-Keeping*



CAS Promotion Criteria:

An individual shall be promoted if:

- i) He/she gets a 'satisfactory' or 'good' grade in the annual performance assessment reports of at least two out of the last three years of the assessment period, as specified in Appendix, Table 4; and*
- ii) The promotion is recommended by a Selection Committee constituted as per these Regulations on the basis of the interview performance."*

14. Considering the above, this court is of the view that merely because petitioner was appointed as Computer Scientist he cannot be denied any promotion for which it is for the Respondent to frame necessary rules with the concurrence of the Government and the Respondent can take a necessary decision by a Syndicate Resolution and get a concurrence with the Government to promote the Petitioner in a suitable post.

15. Considering the above, this Court is of the view the Respondent has to frame necessary Rules and Guidelines for giving promotion to the petitioner. Further, it is also stated by the Petitioner that though his pay scale is revised, still



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he is in the level of 7th CPC (level 10) and he has not been paid from level 11 to 14 on par with Academic staff. In this regard it is the submission of the learned counsel for the Respondent that decision will be taken with regard to the Scale of Pay on par with others by the Syndicate and necessary orders will be passed at the earliest.

16. In such a view of the matter the Respondents 2 to 4 shall take immediate decision to pay the equivalent pay scale to the Petitioner on par with Assistant Professors without any discrimination. Besides, the Respondents also shall take a decision to create a promotional avenue to the post of “Computer Scientist” by framing proper Rules and Guidelines.

17. With the above observation the Writ Petition is disposed of. No costs. Consequently connected Writ Miscellaneous Petitions are closed.

11.10.2023

Index : Yes
Neutral Citation : Yes/No
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copy to:

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1. The Principal Secretary, Department of Higher Education, Government of Tamil Nadu, 9th Floor, EVK Sampath Buildings College Road, Chennai 600006.
2. The Vice Chancellor, Anna University, Chennai 600025.
3. The Registrar, Anna University, Chennai 600025.
4. Director, Recruitment Cell, Anna University, Chennai 600025.



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N. SATHISH KUMAR, J.

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Order in:

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