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W.P.No.10654 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2023

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.10654 of 2022

Dr.A.Jothi Raveendran

... Petitioner

Vs.

1.The Director,
Directorate of Collegiate Education,
Chennai, Tamil Nadu – 600 006.

2.The Vice Chancellor,
Annamalai University,
Annamalai Nagar,
Chidambaram – 608 002.

3.The Registrar,
Annamalai University,
Annamalai Nagar,
Chidambaram – 608 002.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records leading to the issuance of the impugned order Office Memorandum No. C-C8 / 12655 / 2022 dated 02.03.2022 passed by the 3rd respondent and quash the same and consequently direct the respondents to grant for the Carrier Advancement Scheme movement and Ph.D., Incentives within a time frame to be fixed by this Court.



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For Petitioner : Mr.A.Tamilvanan
For R1 : Mr.P.Baladhandayutham
Special Government Pleader
For R2 & R3 : Mr.E.C.Ramesh

ORDER

This writ petition has been filed challenging the order of the 3rd respondent, dated 02.03.2022, rejecting the candidature of the petitioner for the Career Advancement Scheme Promotion 2018-2019, as he has not participated in the mandatory courses for next higher movement of Academic Grade Pay of Rs.8,000/-.

2.The petitioner states that he is currently working as Assistant Professor in Government Arts and Science College, Nagercoil, Tamil Nadu. It is the case of the petitioner that, on 30.08.2018, the petitioner gave a letter to the Directorate of Collegiate Education and attended the oral interview and Document Verification and was waiting for his movement under Career Advancement and Ph.D. incentives from Rs.7,000/- to Rs.8,000/-. It is the grievance of the petitioner that, though he has all eligible credentials as per UGC Regulations on minimum



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qualifications for appointment of Teachers and other Academic Staff in Universities and Colleges, the 3rd respondent, by the impugned order dated 02.03.2022, has rejected the candidature of the petitioner for the Career Advancement Scheme Promotion 2018-2019, even without assigning valid reasons. Therefore, it is the contention of the petitioner that the same is not sustainable in the eye of law. Hence, the present writ petition has been filed challenging the order of the 3rd respondent dated 02.03.2022.

3.The impugned order has been challenged mainly on the ground that the petitioner has completed the Refresher Courses sponsored by the UGC. Therefore, it is the contention of the petitioner that the impugned order non-suiting the petitioner is without any reasons and is liable to be quashed.

4.Heard the learned counsel for the petitioner.

5.A counter affidavit has been filed by the respondents, wherein, it is the contention of the respondents that the petitioner did not participate in the mandatory courses for next higher movement of AGP of Rs.8,000/- and hence, his candidature was not considered during the Career



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Advancement Scheme Promotion 2018-2019. However, the learned counsel appearing for the respondents 2 and 3 fairly submitted that the petitioner has participated in the Refresher Courses sponsored by the UGC in some other Universities. The learned counsel for the respondents 2 and 3 would further submit that, since many people are waiting in the queue for such benefits, the petitioner's case will be considered in the next panel.

6. On a perusal of the entire materials available on record, this Court is unable to find any material to substantiate the reasons assigned in the impugned order rejecting the petitioner. Admittedly, the petitioner has participated in the Refresher Course conducted by Academic Staff College, University of Madras, Chennai, sponsored by UGC, and similarly, he has also participated in Refresher Course in University of Kerala, which is also sponsored by UGC. In such view of the matter, when the petitioner has already completed the Refresher Courses required for next Career Advancement, the respondents cannot non-suit the petitioner merely on the basis that the petitioner has not participated in the mandatory courses, even without stipulating in the impugned order as to what are the mandatory courses set by the respondents for such Career Advancement.



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7.In such view of the matter, the impugned order rejecting the petitioner is not sustainable and accordingly, the same stands quashed. The respondents shall consider the case of the petitioner for inclusion in the Career Advancement Scheme Promotion 2018-2019 for next higher movement of Academic Grade Pay of Rs.8,000/- and pass appropriate orders within a period of two months from the date of receipt of a copy of this order.

8.Accordingly, this writ petition is allowed. No costs.

20.09.2023

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Internet : Yes
Index : Yes / No
Neutral citation : Yes / No
Speaking order / Nonspeaking order

To

1.The Director,
Directorate of Collegiate Education,
Chennai, Tamil Nadu – 600 006.

2.The Vice Chancellor,
Annamalai University,
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N. SATHISH KUMAR, J.
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3.The Registrar,
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