



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.01.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.300 of 2020

and

W.M.P.(MD)No.212 of 2020

WEB COPY

Dr.R.Soundararajan

... Petitioner

Vs.

1.The Director of Collegiate Education,
College Road, Chennai-6.

2.The Regional Joint Director of Collegiate Education,
Trichy Region, Race Course Road,
Trichy-20.

3.The Secretary,
National College (A Unit of Academy of Higher Education),
Trichy District.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order issued by the second respondent in his proceedings in Na.Ka.No.8243/E2/2018 dated 18.09.2019 and quash the same as illegal and consequently direct the second respondent to consider the service rendered by the petitioner between 29.09.1988 and 11.06.2001 in Self-Financing Colleges for the purpose of Career Advancement Scheme.

For Petitioner :	Mr.C.Venkatesh Kumar for M/S.Ajmal Associates
For R1 & R2 :	Mr.J.Ashok Additional Government Pleader
For R3 :	(*) S.Mahesh Babu

O R D E R

This writ petition has been filed challenging the impugned order issued by the second respondent, dated 18.09.2019 and to quash the same and consequently direct the second respondent to consider the service rendered by the petitioner between 29.09.1988 and 11.06.2001 in Self-Financing Colleges for the purpose of Career Advancement Scheme.

2. The case of the petitioner is that he is working as Associate Professor in the Department of English in the third



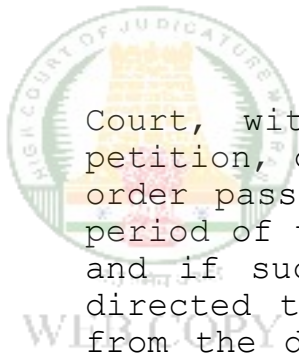
respondent College. He seeks conferment of monetary benefit in terms of the Career Advancement Scheme. He will be entitled to such conferment, if the past services rendered by him in two other educational institutions are counted. In the present case, the third respondent declined to count the said past services rendered by the petitioner in other educational institutions for Career Advancement Scheme and the same was challenged before this Court in W.P.(MD). No.1286 of 2014.

3. This Court, by order dated 05.03.2018, permitted the petitioner to submit a fresh representation to the third respondent and upon receipt of such representation from the petitioner, the third respondent shall pass orders afresh, in accordance with law, if the petitioner fulfilled the conditions that (i) the post was in an equivalent grade / scale of pay as the post of a Lecturer, (ii) the qualifications for the post were not lower than the qualifications prescribed by the University Grants Commission for the post of Lecturer, (iii) the candidates who apply for direct recruitment should apply through proper channels, (iv) the concerned Lecturers possessed the minimum qualifications prescribed by the University Grants Commission for appointment of Lecturers, (v) the post was filled in accordance with the prescribed selection procedure as laid down by the University / State Government / Central Government / Institution's regulations, (vi) the appointment was not *ad hoc* or in a leave vacancy of less than one year duration. *Ad hoc* service of more than one year duration can be counted provided. (a) the *ad hoc* service was of more than one year duration. (b) the incumbent was appointed on the recommendation of duly constituted selection committee and (c) the incumbent was selected to the permanent post in constitution to the *ad hoc* service, without any break.

4. Pursuant to which, the petitioner has submitted a representation to the second respondent on 25.07.2018, along with supporting documents as indicated by this Court. However, the second respondent has rejected the same by the impugned order dated 18.09.2019, on the ground that the petitioner has not fulfilled the conditions.

5. The learned counsel appearing for the petitioner would submit that this Court may permit the petitioner to give explanation to the impugned order issued by the second respondent, dated 18.09.2019.

6. A perusal of the impugned order reveals that the second respondent has not rejected the petitioner's representation and he was given direction to give explanation within a period of three days from the date of receipt of the impugned order. Instead of giving explanation to the impugned order, the petitioner has filed the present writ petition, which is not sustainable one. Hence, this



Court, without interfering with the order impugned in the petition, directs the petitioner to give explanation to the impugned order passed by the second respondent, dated 18.09.2019, within a period of two weeks from the date of receipt of a copy of this order and if such representation is received, the second respondent is directed to pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order, after providing personal hearing to the petitioner.

7. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-I)

(*)Corrected as per the letter dated 27.02.2023

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/03/2023

Sub Assistant Registrar(CS)

akv

(*) TO be Substituted the order already despatched on 24.02.2023

To

1.The Director of Collegiate Education,
College Road, Chennai-6.

2.The Regional Joint Director of Collegiate Education,
Trichy Region, Race Course Road,
Trichy-20.

3.The Secretary,
National College (A Unit of Academy of Higher Education),
Trichy District.

+1 CC to M/s.SPL.GP. (SR-5172[F] dated 01/02/2023)

+1 CC to M/s.S.MAHESH BABU, Advocate (SR-4735[F] dated 31/01/2023)

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-4784[F] dated
31/01/2023)

W.P. (MD) No.300 of 2020
30.01.2023

kg (CO)

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