



W.P(MD)No.8482 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.04.2023

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.P(MD)No.8482 of 2023

and

W.M.P.(MD)Nos.7814, 7816 & 7817 of 2023

K.Natarajaseenivasan

... Petitioner

**Vs.**

1.The Vice-Chancellor,  
Bharathidasan University,  
Trichy.

2.The Registrar (I/c)  
Bharathidasan University,  
Trichy.

... Respondents

**Prayer** : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records comprised in Ref.No.911/H4/2022, dated 21.01.2023 on the file of the second respondent and quash the same as arbitrary and illegal and consequently, direct the respondents to consider the petitioner's application dated 29.06.2022 for promotion to Senior Professor in the respondent University under Career Advancement Scheme.



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For Petitioner : Mr.Raguvaran Gopalan  
for Mr.K.Prabhakar

For Respondents : Mr.V.R.Shanmuganathan

## ORDER

Heard the learned counsel appearing for the petitioner and the learned standing counsel appearing for the respondent University.

2. The petitioner joined the respondent University as Reader on 17.08.2005. He became an Associate Professor on 17.08.2008 and Professor on 17.08.2011. The petitioner has academic background in microbiology. The petitioner had received an opportunity to be in Temple University, Philadelphia, USA on a Visiting Research Scholarship. He applied to the second respondent and was granted permission. The petitioner was able to be with the foreign university for more than five years ie., from 12.09.2016 till 30.12.2021. The petitioner now wants the benefit of CAS promotion. His request was not accepted. Challenging the said communication, the present writ petition came to be filed.

3. The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and



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called upon this Court to set aside the impugned communication and direct the respondent to consider the petitioner's application for promotion as Senior Professor under Career Advancement Scheme. The primary contention of the learned counsel appearing for the petitioner is that the eligibility conditions are that the candidate must have put in 10 years experience as a professor and a minimum of ten publications in the peer-reviewed or UGC-listed journals and he should also have guided atleast two candidates under his supervision.

4. The petitioner's case is that he was very much a professor for ten years. The petitioner's counsel would point out that both the conditions are fulfilled in this case. He also pointed out that the respondent University is very much benefitted on account of the petitioner's foreign sojourn. As a result of the petitioner's visit, the respondent university had entered into memorandum of understanding with foreign bodies and secured projects in microbiology. The contention of the petitioner's counsel is that the respondent has not taken into account all these aspects. No doubt, the contentions of the learned counsel appearing for the petitioner are persuasive. But I cannot lose sight of one basic fact. Career Advancement Scheme was introduced to relieve the employees from stagnation. If a person had served the institution in a particular capacity for ten years, the scheme envisages that he can be promoted to the next level



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under the aforesaid scheme. It is true that the petitioner was very much a professor during the period. But then, he was not serving Bharathidasan University from 12.09.2016 till 30.12.2021. The letter bearing Ref.No. 00902/H1/2016, dated 10.03.2016 granting permission to the petitioner to pursue his Visiting Research Scholarship contains the following condition:-

“2. The drawal of higher pay or any other service benefits at U.S.A will not confer any right for fixation of pay on your reversion to this university. Your pay will be fixed with reference to the pay last drawn in the University. You cannot claim seniority on reversion to this University.”

5. From the aforesaid condition, one can easily conclude that the period during which the petitioner was away as a visiting research scholarship of the foreign university will not be counted towards the petitioner's service in the Bharathidasan University for any purpose. Only if the petitioner had served in the Bharathidasan University as professor for full 10 years, he can be considered as Senior Professor under Career Advancement Scheme. In as much as for more than five years, the petitioner was away, he was rightly not considered. The impugned communication does not call for interference. That is the true intention and spirit behind the introduction of Career Advancement Scheme. If the interpretation as placed by the learned counsel appearing for the petitioner is accepted, it would defeat the object for which the scheme was introduced.



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6. The Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

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**G.R.SWAMINATHAN, J.**

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