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W.P.(MD).Nos.14525 to 14531 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 28.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD).Nos.14525 to 14531 of 2023

WP(MD).No.14525 of 2023

Dr.A.Muraliraj
Assistant Professor in Mathematics
Urumu Dhanalakshmi College
Kattur, Tiruchirappalli
Trichy District

....Petitioners

Vs

1.The Director of Collegiate Education
Directorate of Collegiate Education
577, Anna Salai, Saidapet
Chennai 600 015

2.The Regional Joint Director of Collegiate Education
Tiruchirappalli Region
Race Course Road
Tiruchirappalli 620 023

3.The Secretary
Urumu Dhanalakshmi College
Kattur
Tiruchirappalli District

...Respondents

Prayer in WP(MD).No.14525 of 2023 : This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the third respondent to forward the proposal to the second respondent to award Career Advancement Scheme (CAS) promotion to the petitioner in terms of proceedings issued by the first respondent in RC.No.48913/G3/95 dated



W.P(MD).Nos.14525 to 14531 of 2023

14.09.1995 and in the light of clarification issued by the first respondent in his proceedings in Na.Ka.No.48080/F3/2022 dated 09.12.2022 and proceedings of the second respondent in Na.Ka.No.4495/A2/2022 dated 19.01.2023 and 23.02.2023 and by considering the petitioner's representation dated 20.02.2023 and 28.04.2023 within the period that may be stipulated by this Court.

WP(MD).No.14525 of 2023

For Petitioner	: Mr.C.Venkatesh Kumar For M/s.Ajmal Associates
For R1 & R2	: Mr.N.GA.Natraj Government Advocate
For R3	: Mr.Isaac Mohanlal Senior Counsel For M/s.Isaac Chambers

ORDER

The present writ petitions have been filed by seven Assistant Professors working in various departments of the third respondent College seeking a mandamus directing the College Management to forward the proposal of awarding Career Advancement Scheme (CAS) promotion of the petitioners to the second respondent herein.

2.According to the learned counsel appearing for the writ petitioners, the third respondent College is a private aided College and governed by the provisions of Tamil Nadu Private Colleges (Regulation) Act, 1976.The



W.P(MD).Nos.14525 to 14531 of 2023

the third respondent College. They have been awarded with career progression from pay level 10 to 11 with effect from various dates.

3.It is further contended on the side of the petitioners that in the State of Tamil Nadu, the Government and Government Aided Colleges have only two substantive and distinct posts namely the post of Assistant Professor and the Principal. Only by way of award of Career Progression under CAS, (Career Advancement Scheme), they get upgraded to the level of Associate Professors, thereafter to Professors.

4.The learned counsels for the petitioner had further contended that as per UGC Regulation 2018, the Assistant Professors have to appear before a Screening-cum-Evaluation Committee and based upon their recommendation, the College Management shall forward the same to the Joint Director of College Education for passing of final orders. All the writ petitioners had appeared before the Screening Committee on 07.09.2022 and the Screening Committee has placed its recommendation to the College Management on the same day. Apart from the petitioners, 28 other Assistant Professors have also appeared before the Committee.

5.As far as 28 other Assistant Professors are concerned, the College had immediately forwarded the same to the Joint Director of Collegiate Education and CAS (Career Advancement Scheme) promotion has been conferred upon them. However, the College Management has not chosen to



W.P(MD).Nos.14525 to 14531 of 2023

forward the recommendation of the Screening Committee with regard to seven writ petitioners on the ground that disciplinary proceedings are pending.

6. According to the learned counsel for the petitioners, College Management cannot cite mere pendency of the disciplinary proceedings, unless it is accompanied by any record for not forwarding. In fact, the College Management is only a forwarding authority without any power to take a decision. The deciding authority is only a Joint Director. Therefore, the petitioners seek to issue a mandamus directing the College Management to forward the recommendation of the Screening-cum-Evaluation Committee to the Joint Director of Collegiate Education for further orders.

7. The learned Senior Counsel appearing for the College Management relying upon the contention in the counter contended that the College Committee or Management can never be considered to be a mere forwarding authority. The Screening Committee would only consider the academic credentials of the candidates and whether the departmental proceedings are pending as against the Assistant Professors has to be verified only by the College Committee. On instructions, the learned Senior Counsel further submitted that in the present case, the College Management had decided to forward the recommendation of the Screening Committee to the Joint Director and it is for the Director of Collegiate Education to take a decision.



W.P(MD).Nos.14525 to 14531 of 2023

8.I have considered the submissions made on either side and perused the material records.

9.There is no dispute that all the seven writ petitioners along with 28 faculty members had appeared before the Screening-Cum-Evaluation Committee for CAS promotion on 07.09.2022. The College Management has forwarded the recommendation in relation to 28 faculty members to the Joint Director of Collegiate Education and he had also approved the same. After the recommendations were submitted by Screening Committee on 07.09.2022, a charge memo has been issued to the writ petitioners on 08.10.2022. Therefore, on the date, when the Screening-Cum-Evaluation Committee was conducted, no disciplinary proceedings were pending as against the writ petitioners. Therefore, the College Committee ought to have forwarded the recommendation to the Joint Director along with other faculty members.

10.It could be seen from UGC Regulation that the College Committee/Management is not a mere forwarding authority. The Screening-Cum-Evaluation Committee could only decide about the academic credentials, but pendency of any disciplinary proceedings could only be considered by the College Management. Therefore, the contention of the writ petitioners that the College Committee/Management is a mere forwarding authority is not legally sustainable. However, in the present case, the College



W.P(MD).Nos.14525 to 14531 of 2023

Committee has given an undertaking that they would forward the recommendation of the Screening Committee to the Joint Director of Collegiate Education.

11.Considering the above said facts, this Court is inclined to pass the following orders:

(i)The third respondent is directed to forward the recommendation of the Screening-cum-Evaluation Committee relating to seven writ petitioners to the second respondent within a period of three weeks from the date of receipt of a copy of this order.

(ii)On receipt of such recommendation, the second respondent is directed to pass order within a period of four weeks thereafter.

(iii)With the above said observations, the Writ Petitions are disposed of. No costs.

28.11.2023.

Internet : Yes/No
Index : Yes/No
NCC : Yes/No
msa



W.P(MD).Nos.14525 to 14531 of 2023

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W.P.(MD).Nos.14525 to 14531 of 2023

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W.P.(MD).Nos.14525 to 14531 of 2023

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