



W.P.(MD) No.5560 of 2016

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.11.2023

CORAM

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

W.P.(MD) No.5560 of 2016

G.Manoharan

... Petitioner

Vs.

- 1.The Commissioner,
Hindu Religious and Charitable Endowment Board,
Chennai-34.
- 2.The Correspondent,
(Joint Commissioner/Executive Officer)
Arulmighu Dhandayuthapani Samy Thirukovil and
Arulmigu Palaniandavar Polytechnic College,
Palani-624 601.
- 3.The Principal,
Arulmigu Palaniandavar Polytechnic College,
Palani,
Dindigul District.
- 4.All India Council for Technical Education,
7th Floor, Chanderlok Building, Janpath,
New Delhi.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the second respondent herein in his proceedings in Na.Ka.No.805/A4/2015 dated 08.01.2016 and quash the same as illegal and consequently, direct the 2nd respondent to pay the petitioner's scale of pay as prescribed and fixed by All India Council for Technical Education (AICTE) from the date of petitioner's appointment as Lecturer in the garment technology department of Arulmigu Palaniandavar Polytechnic College, Palani, Dindigul and yearly increment and other benefits as prescribed by All India Council for Technical Education (AICTE).

For Petitioner : Mr.S.Sarvagan Prabhu

For Respondent : Mr.N.Ramesh Arumugam
Government Advocate
for R1
Mr.R.Murali for R2 and R3
Mr.N.Dilip Kumar for R4

ORDER

The petitioner completed his Bachelor of Technology (Textile) from PSG Technology, Coimbatore, in the year 2001. The third respondent Institution which is being run by the second respondent Temple called for



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applications to the post of Lecturer to be appointed on temporary basis for self-financing Garment Technology Course. The petitioner applied for the same and was called for interview and was appointed on purely temporary basis as Lecturer in Garment Technology Department. The petitioner has been continuously working from 2010 till date. According to the petitioner, he is entitled to the benefits of pay scale fixed by All India Council for Technical Education as per its recommendations dated 22.01.2010.

2. A Scheme which has been enclosed in the typed set of papers, in particular, Clause (4) under the heading of Applicability of the scheme, resolves the disputes in the present case and it reads as under:-

Applicability of the Scheme:

(i) This Scheme shall be applicable to teachers in Technical Institutions and other equivalent cadres of Library and for physical Education Personnel in all the AICTE approved institutions. The implementation of the revised scales shall be subject to the acceptance of all the conditions mentioned in this letter as well as Regulations to be framed by the AICTE in this behalf.



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(ii) *This Scheme does not extend to the posts of professionals like System Analysts, Senior Analysts, Research Officers etc., who shall be treated at par with similarly qualified personnel in research/scientific organization of the Central Government.*

(iii) *This Scheme may be extended to all Polytechnic Technical Institutions coming under the purview of State legislatures.*

(iv) *The entire liability on account of revision of pay scales etc., of Polytechnic teachers shall be that of the State Government.*

State Governments, taking into consideration other local conditions, may also decide in their discretion, to introduce scales of pay higher than those mentioned in this Scheme and may give effect to the revised bands/scales of pay from a date on or after 01.01.2006.

3. The petitioner who is working in a self-financing course cannot claim parity with those who are working in the Government Aided Courses. The third respondent Institution has two sets of Courses, viz.,
(a) Government Aided Courses which are in the following Departments:



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- (i) Civil Engineer
- (ii) Mechanical Engineering
- (iii) Electrical and Electronics Engineering
- (iv) Electronics and Communication Engineering
- (v) Modern Office Practice.

(b) The self-financing Courses are as follows:

- (i) Information Technology
- (ii) Electronics (Robotics)
- (iii) Garment Technology

4. The scheme of AICTE as extracted above would apply to the Courses which are aided by the State or run by the State. The petitioner's Course, namely, Garment Technology is a self-supporting course which is running from the finance collected from the students who joined the Courses. Therefore, since AICTE Regulations do not apply to the petitioner, he is not entitled to claim parity of salary with those who are working in the



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Government Aided Courses. The substratum of case falling, I am not inclined to grant any relief to the petitioner and the impugned order passed by the second respondent vide proceedings in Na.Ka.No.805/A4/2015, dated 08.01.2016, is upheld.

5. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs.

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Index: Yes

Internet: Yes



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