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W.P.No.2948 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2024

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THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.No.2948 of 2021 and
W.M.P.Nos.3305 & 3308 of 2021

Dr.T.Deivasigamani

... Petitioner

Vs.

The Registrar,
Annamalai University,
Annamalai Nagar, Cuddalore 608 002.

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the proceedings of the respondent in the University Order No.410/2019 C dated 13.08.2019 and the consequential proceeding in University Order No.435/2020 C dated 31.10.2020 and quash the same and consequently, directing the respondent to restore the seniority of the petitioner with effect from 08.01.2001 for the purpose of continuity of service, pay scale and pensionary benefits.

For Petitioner : Mr.R.Suresh Kumar for
Mr.K.M.Vijayan Associates

For Respondent : Mr.Sithirai Anandan,
Standing Counsel



ORDER

This Writ Petition has been filed for quashment of the proceedings of the respondent in the University Order No.410/2019 C dated 13.08.2019 and the consequential proceeding in University Order No.435/2020 C dated 31.10.2020 and consequently, to direct the respondent to restore the seniority of the petitioner with effect from 08.01.2001 for the purpose of continuity of service, pay scale and pensionary benefits.

2. Heard both sides and also perused the materials available on record.

3.The learned counsel for the petitioner submitted that the petitioner was appointed as a Technical Officer in the Department of English against the post sanctioned on 08.10.2001. The said post was created as per the syndicate resolution to give equal representation for SC/ST candidates in the Department of English under the instruction of the Secretary to the Government, Adi-Dravidar and Tribal Welfare Department. The Government by letter dated 19.01.1999, instructed the University to take steps to fill the vacancies, for which, the respondent had given advertisement in the



Department during 1999, 2000 and 2001. Thereafter, most of the Department Vacancies were filled except few departments including the English Department, due to the non availability of qualified candidates. During the time, the petitioner was working as a Resource person in the Department of English, Directorate of Distance Education, Annamalai University. Thereafter, the petitioner gave a request to the respondent to appoint him as Lecturer and also requested to give relaxation in qualification. The respondent considered the request of the petitioner and appointed him as Technical Officer in the Department of English against the post sanctioned in the scale of pay, i.e., Rs.8000-275-13500 on 08.10.2001. After joining as a Technical Officer, the petitioner gave a representation to the University Authorities to follow UGC regulation dated 04.04.2000 and change the designation from Technical Officer to Lecturer. By accepting the same, the petitioner was designated as a Lecturer on 14.11.2006. After that, the petitioner requested the Registrar to count his past service rendered as Technical Officer for promotion. The committee members after carefully analysing the directions of the Government and UGC Regulations dated 04.04.2000, had accepted his past service rendered during the period of Technical Officer from 01.04.2004 to 14.11.2006 for promotion. Since the



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petitioner joined the service as a Technical Officer on 08.10.2001, his service was taken for the Senior Scale from 01.04.2004 which is a great loss for his service, pension and monetary benefits. During the period 08.10.2001 to 31.03.2004, the petitioner was given a consolidated pay scale, but other employees were given time bound scale. According to UGC pay fixation norms, Technical Officer has to be appointed on a time bound scale and not on consolidated pay. Later, he had given representation to the respondent to fix the time bound scale and to give arrears and pension benefits. The University has considered the request of the petitioner and placed the representation before the Board of Selection and the same was accepted. After more than a decade, a show cause notice was issued to the petitioner pointing out G.O.Ms.No.374, Higher Education Department (H1) dated 14.11.2006 for counting of his past service rendered as Technical Officer is not fulfilled. The relaxation in educational qualification was given to the petitioner as per the Tamil Nadu Government Orders and UGC regulation. The petitioner gave a proper explanation and provided proof for relaxation in educational qualification. Since the explanation of the petitioner was not considered, the respondent has revised the appointment dates of the Assistant Professor and Associate Professor.



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4. In support of his contention, the learned counsel also relied on the judgment of the learned Single Bench of this Court in W.P.(MD).No.6635 of 2019 (*Manonmaniam Sundaranar University and others Vs. the State of Tamil Nadu*) and also relied on the judgment of the Hon'ble Division Bench of this Court in Rev. Appl (MD) No.170 of 2022 (*E.Roseline Lobo and others Vs. S.Maharaja and others*).

5. The learned Standing Counsel for the respondent submitted that the post of Technical Officer was created in the usual scale of pay in the Department of English by the Syndicate. Based on that, the petitioner was appointed as Technical Officer in the said Department on consolidated pay basis and the said post is purely a non-teaching post. The said post was created on the request of the Head of the Department for maintenance of Audio and Video equipments in the sound lab, but not on the request of the petitioner. The petitioner was appointed as Lecturer in the Department of English on the scale of pay of Rs.8,000/- per month subject to approval by the Board of Selection. The request for the petitioner for counting his past services rendered in the post of Technical Officer from 01.04.2004 to



14.11.2006 as teaching service for the purpose of Career Advancement

Scheme was accepted by the Syndicate and the Board of Selection. But the Local Fund Audit has objected both the periods i.e., on consolidated pay service and time scale in Technical Officer. The Local Fund Audit along with the Service Register of other teaching staff has verified the Service Register of the petitioner and objected for counting his past service in the post of Technical Officer as teaching service. He further submitted that his educational qualification was not on par with the qualification prescribed by the UGC for the post of Lecturer. The Local Fund Audit has raised an objection that the services rendered by him as Technical Officer were taken as teaching service and the same was counted only for promotion under Career Advancement Scheme. Since the petitioner has not passed any legally tenable grounds to set aside the impugned order, the impugned proceedings is legally sustainable in law.

6. I have carefully considered the rival submissions and went through the materials available on record. I need not go into the factual and legal aspects at length for the simple reason that a similar issue was raised in W.P.MD.No.6635 of 2019, filed by the Manonmaniam Sundaranar



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University All Administrative Staff Association. Since the petitioner is also similarly placed as that of the petitioners in W.P.MD.No.6635 of 2019, his case would also have the similar line of appreciation involved in the above Writ Petition. Hence, he is also entitled to the same relief as already granted to the other similarly placed persons in the earlier judicial order.

7. In the light of the order passed by this Court in the Writ Petitions as stated supra, this Court is of the opinion that the matter can be remitted back to the respondent for fresh consideration. Accordingly, the subject matter in issue is remanded back to the respondent for passing appropriate orders in accordance with law.

8. With the above observations and directions, the Writ Petition is allowed. Consequently, connected Miscellaneous Petitions are closed. There shall be no orders as to costs.

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Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No



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VIVEK KUMAR SINGH, J.

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To

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