



W.P.No.23411 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.06.2024

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.23411 of 2015

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M.P. Nos. 1 & 2 of 2015

Dr. S.Palanivel

...petitioner

Vs.

1.The Principal,
Pondicherry Engineering College,
Pondicherry.

2.The Member Secretary,
Pondicherry Engineering College,
Pondicherry – 605 014.

3.The Chairman
Pondicherry Engineering College,
Pondicherry – 605 014.

4.The Secretary to Education,
Government of Pondicherry,
Pondicherry.

5.All India Council for Technical Education,
Represented by its Member Secretary,
7th Floor, Chanderlok Building,
Janpath, New Delhi – 110 001.

...Respondents



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Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ in the nature of Writ of Certiorarified Mandamus to call for the records pertaining to the impugned minutes of Staff (Teaching) Selection Committee Meeting held on 31.10.2014 and quash the same in so far as rejecting the application dated 29.01.2014 of the petitioner as illegal and consequently direct the respondents 1 to 4 to promote the petitioner to the next level of stage – 5 viz., Professor (Civil Engineering Department) with effect from 10.02.2014 as per AICTE Regulations 2012, together with back wages and other service benefits to which the petitioner is entitled for.

For petitioner : Mr. R.Gopinath
M/s. Mcgan Law Firm

For Respondents : Mr. Syed Mustafa
1 to 4 Special Government Pleader

For Respondent 5: No Appearance.

ORDER

The above Writ Petition has been filed for issue of certiorarified mandamus to quash the minutes of the Staff (Teaching) Selection



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Committee Meeting held on 31.10.2014 in so far as it related to the rejection of the application of the petitioner dated 29.01.2014 as illegal and direct respondents 1 to 4 to promote the petitioner to the next level of stage 5, namely, Professor (Civil Engineering Department) with effect from 10.02.2014 as per AICTE Regulations, 2012 with backwages and service benefits.

2. The case of the petitioner is that he had a Doctorate in Civil Engineering having completed his Ph.D (Civil Engineering) successfully on 10.02.2014 and his academic qualifications are B.E (Civil and Structural Engineering), M.E (Structural Engineering), apart from Doctorate in Civil Engineering. The petitioner started his career as an Academician in the year 1993 having joined as a lecturer in the Civil Engineering Department of the Regional Engineering College Warangal, Andhra Pradesh, which is presently known as NIT. The petitioner had worked in this position from 05.08.1993 till 18.03.1997.



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3. Thereafter, the petitioner had joined the service as a Scientist Grade IV in Structural Engineering Research Centre, CSIR, Chennai on 19.03.1997, where he worked till 25.11.1999. Thereafter, the petitioner had joined the 1st respondent institution. Since the petitioner was eligible for promotion to stage 2, namely, Lecturer (senior scale) considering the fact that he had been an academician since 1993, he had applied for the said promotion. The University Grants Commission (UGC) has already framed guidelines in this regard. Though, the 1st respondent was aware about these guidelines they did not consider the petitioner for promotion. As they had not considered his services in the reputed institutions earlier, the petitioner had filed W.P.No.45552 of 2002 to direct the 1st respondent to consider his representation. Though this Court by order dated 19.12.2002 had directed the respondents to consider the



representation, the same was not considered and on 05.02.2003, the 1st respondent had passed order stating that there was no provision to count past services and therefore the petitioner could not be considered for promotion to stage 2.

4. Once again the petitioner had approached this Court in W.P.No.28963 of 2003 seeking direction to the 5th respondent to adopt the guidelines framed by the UGC with reference to calculation of past services for granting promotion. In this proceeding, the 5th respondent had stated that they were adopting the guidelines framed by the UGC for counting past services of Teachers of degree level Technical institutions. Therefore, a representation was once again given to the 1st respondent to promote the petitioner to the next stage. Once again the 1st respondent by order dated 23.03.2004 declined to promote the petitioner.

5. Once again the petitioner had moved this Court in



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W.P.No.10049 of 2004 challenging the order dated 23.03.2004.

Meanwhile, the 1st respondent without considering the previous service promoted the petitioner to the next stage. This order was passed pending the proceedings in W.P.No.10049 of 2004. Thereafter, this Court in W.P.No.10049 of 2004 by order dated 26.11.2009 had set aside the impugned order dated 23.03.2004 and directed the 1st respondent to grant the petitioner the benefit of the career advancement scheme.

6. After an year of the above order, the 1st respondent has complied with the orders of this Court in W.P.No.10049 of 2004 and accepted the petitioner's promotion to the next level with effect from 05.08.1998 taking into account the previous service, in the proceedings of the 1st respondent dated 07.01.2011. The petitioner was also promoted to stage 3, namely, Assistant Professor and re-designated to stage 4, namely, Associate Professor with effect from 05.08.2003 and 05.08.2006 respectively.



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7. The petitioner would submit that he had completed his Ph.D on 10.02.2014 in the 5th respondent sponsored Quality Improvement Programme, Anna University, Chennai. The petitioner would submit that he had applied for promotion to stage 5 vide application dated 29.01.2014 with all the attendant documents to prove the eligibility criteria. Though the application had been sent on January 2014, the call letter for interview was issued only on 27.10.2014.

8. The petitioner would submit that his name was not included in the list, however his junior most Associate Professor has been considered. The petitioner therefore once again approached this court by filing W.P.No.30908 of 2014 to consider the application dated 29.01.2014 and promote the petitioner to the next level i.e., stage 5. The petitioner would submit that he had secured copy of the minutes of the Staff Selection Committee Meeting held on 31.10.2014, API Score Sheet and the selection committee Assessment Chart. On



scrutinising these documents, he found that API scores were deliberately not awarded. The petitioner would submit that on the verification of API score sheet, he found that for Categories I and II the score awarded was less than what he was actually entitled to. That apart, his juniors had been promoted. Therefore, the petitioner has come forward with the above Writ Petition stating that the guidelines framed by the UGC had not been followed.

9. A counter has been filed by the 1st respondent denying the allegations of the petitioner. The counter would read that the petitioner had only secured 83 points for category III. The Screening-cum-Evaluation committee had scrutinised the documents produced by the petitioner and held that he was not eligible. They had also submitted that even in the interview the petitioner had performed very poorly. He had not even secured 50/100 in the interview, where he has only secured 42/100. They would submit that the selection committee had not rejected the petitioner's candidature only on the ground of API score but also taking his performance in the interview.



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Therefore, no exception can be taken to the above.

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10. Heard the learned counsels and perused the records.

11. Though the petitioner had been contending that his candidature had been rejected on the ground of his having poor API score which was the only criteria that had to be taken into consideration, however a perusal of the records would show that not only should the API scores be considered but also the scores in the interview.

12. A perusal of the Minutes of Staff (Teaching) Selection committee dated 31.10.2014 would clearly show that the petitioner was not selected on account of ***“Not meeting the minimum API score in category III and interview marks is less than 50”***. Therefore, the contention of the petitioner cannot be countenanced since the parameters for promotion was not only the API score but also



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the performance at the interview and the marks awarded therein. The petitioner having failed to reach the bench mark cannot seek redressal from the Court by asking the Court to sit as a Selection Committee.

13. Therefore, the Writ Petition is dismissed. Consequently, the connected miscellaneous petitions are closed. No costs.

12.06.2024

Index : Yes/No
Internet : Yes/No
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To

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P.T. ASHA, J,

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