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W.P.No.7864 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.03.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.7864 of 2024

Dr.M.Periasamy

... Petitioner

-Vs-

1. State of Tamil Nadu,
represented by its Secretary to Government,
Department of Higher Education,
Chennai – 600 009.
2. The Director of Collegiate Education,
Institute of Advance Study in Education Campus,
577, Anna Salai, Saidapet,
Chennai – 600 015.
3. Thiruvalluvar Government Arts College,
represented by its Principal,
Andagalur (PO), Rasipuram,
Namakkal, Tamil Nadu – 637 401.

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the second respondent vide proceedings in Na.Ka.No K. Dis No. 15478 / CAS / 2023 dated 24.11.2023 and quash the same as illegal and consequently direct the respondents to consider the past service rendered by the petitioner between 16.06.2008 to 28.09.2015 (7 years, 3 months and 13 days) in Nallamuthu Gounder Mahalingam (Aided)



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College, Pollachi for the purpose of pay fixation under the Career Advancement Scheme along with other consequential benefits of seniority and pension.

For Petitioner : Mr.S.Karthikei Balan
For Respondents : Mrs.S.Anitha
Special Government Pleader

ORDER

This Writ Petition has been filed calling for the records relating to the impugned order passed by the second respondent vide proceedings in Na.Ka.No K. Dis No. 15478 / CAS / 2023 dated 24.11.2023 and quash the same as illegal and consequently direct the respondents to consider the past service rendered by the petitioner between 16.06.2008 to 28.09.2015 (7 years, 3 months and 13 days) in Nallamuthu Gounder Mahalingam (Aided) College, Pollachi for the purpose of pay fixation under the Career Advancement Scheme along with other consequential benefits of seniority and pension.

2. Heard the learned counsel on either side and perused the materials available on record.

3. The petitioner is qualified with M.Sc (Chemistry) and Ph.D in Chemistry. The petitioner is also qualified with National Eligibility Test. Thereafter, the petitioner was appointed as Lecturer in Chemistry subject by an



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order dated 08.04.2008 in Nallamuthu Gounder Mahalingam (Aided) College,

Pollachi. Thereafter, his service was regularized from 16.06.2008 after completing the probation period of two years. His appointment was duly approved by the Joint Director of Collegiate Education by the proceedings dated 01.12.2009. While being so, the Teachers Recruitment Board issued notification dated 28.05.2013 calling for applications from eligible candidates for appointment to the post of Assistant Professors in Tamil Nadu Collegiate Educational Service for Government Arts and Science College by direct recruitment. The petitioner had applied for the post and selected as Assistant Professor. Pursuant to the selection, the petitioner was relieved from the erstwhile College on 28.09.2015 and joined as Assistant Professor in Thiruvalluvar Government Arts College, Rasipuram on 29.09.2015, without break in service. Thereafter, his service was regularized with effect from 29.09.2015. However, his earlier service was not considered for the purpose of Career Advancement Scheme and other consequential benefits including seniority and pension.

4. As per the Government Order in G.O.Ms.No.373, Higher Education (H1 Department) dated 14.11.2006, the petitioner's past service rendered in



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previous aided College has to be taken into account for all purposes. Therefore, the petitioner submitted a representation. The second respondent considered the representation submitted by the petitioner and sent a proposal dated 15.07.2022, thereby accepted the request made by the petitioner rendered by him from 16.06.2008 to 28.09.2015 in Nallamuthu Gounder Mahalingam (Aided) College, Pollachi as continuing service for the purpose of Career Advancement Scheme. Pursuant to which, the petitioner also submitted a representation to the third respondent for fixing his basic pay and grade pay. On receipt of the same, the second respondent by its order dated 24.11.2023 passed an order, though accepting the previous orders passed therein, his date of eligibility was wrongly mentioned at column 5 and column 6. It is nothing but cut and paste and typographical error.

5. It is relevant to extract the relevant portion of the order dated 24.11.2023 hereunder:-



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1.	Name and Designation of the Staff	Dr.M.Periasamy, Assistant Professor in Chemistry
2.	Education Qualification	M.Sc., - 1995 M.Phil., - 2003 Ph.D - 2007
3.	Date of Regularization as Assistant Professor	29.09.2015
4.	EOLWA particulars	-
5.	Date of completion of 4 years of qualifying service from the date of awarding after counting of FIP past service in AGP 6000	28.09.2015 (Past Service added 7 years, 3 months, 13 days)
6.	Date on which the individual qualified for placement as Assistant Professor AGP 7000 (Senior Scale)	29.09.2015 (Notionally and Monetary Benefit)
7.	Remarks	Nil

6. In view of the above, the order passed by the second respondent cannot be sustained and is liable to be quashed. Accordingly, the order passed by the second respondent vide proceedings in Na.Ka.No K. Dis No. 15478 / CAS / 2023 dated 24.11.2023, is hereby quashed. The second respondent is directed to pass fresh orders considering the petitioner's past service rendered between 16.06.2008 to 28.09.2015 in Nallamuthu Gounder Mahalingam (Aided) College, Pollachi, for the purpose of pay fixation under the Career Advancement Scheme along with other consequential benefits of seniority and pension, within a period of four weeks from the date of receipt of a copy of this order.



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7. Accordingly, this writ petition is allowed. There shall be no order as to costs.

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Internet: Yes

Index : Yes/No

Neutral Citation : Yes/No

Speaking/Non Speaking order
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To

1. The Secretary to Government,
State of Tamil Nadu,
Department of Higher Education,
Chennai – 600 009.
2. The Director of Collegiate Education,
Institute of Advance Study in Education Campus,
577, Anna Salai, Saidapet,
Chennai – 600 015.
3. The Principal,
Thiruvalluvar Government Arts College,
Andagalur (PO), Rasipuram,
Namakkal, Tamil Nadu – 637 401.



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G.K.ILANTHIRAIYAN. J,

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