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W.P.No.7920 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.7920 of 2024

R.Sharmil Suganya

... Petitioner

-Vs-

1.The State of Tamil Nadu,
Represented By its Secretary to Government,
Higher Education Department,
Fort St. George, Chennai – 600 009.

2.The Commissioner of Technical Education,
Directorate of Technical Education,
No.53, Sardar Patel Road,
Guindy, Chennai – 600 025.

3.The Principal,
Government College of Engineering,
Salem – 636 011.

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the 1st and 2nd respondents to select and promote the petitioner as Associate Professor in the subject Bio-Engineering with effect from 04.08.2022 when G.O.Ms.No.147, Higher Education (II) Department was passed approving the regular panel for promotion to the post of Associate Professor / Bio-Engineering based on the Petitioner's Under Graduate and Post Graduate degree qualification in Bio Technology, with 6 publications as per Ph.D. equivalence and her 16 years



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experience in Bio Engineering by disposing of the representation dated 24.04.2023 in accordance with law within a time frame to be fixed by this Hon'ble Court.

For Petitioner : Mrs.Nalini Chidambaram
Senior Counsel
for Mrs.C.Uma

For Respondents : Mrs.S.Anitha
Special Government Pleader

ORDER

This writ petition has been filed for direction directing the 1st and 2nd respondents to select and promote the petitioner as Associate Professor in the subject Bio-Engineering with effect from 04.08.2022 when G.O.Ms.No.147, Higher Education (II) Department was passed approving the regular panel for promotion to the post of Associate Professor / Bio-Engineering based on the Petitioner's Under Graduate and Post Graduate degree qualification in Bio Technology, with 6 publications as per Ph.D. equivalence and her 16 years experience in Bio Engineering by disposing of the representation dated 24.04.2023 in accordance with law within a time frame to be fixed by this Hon'ble Court.

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



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3. On written instructions, the learned Special Government Pleader appearing for the respondents submitted that as per adhoc rule, the qualification for the post of Associate Professor is as follows:-

“ B.E/B.Tech and M.E/M.Tech in relevant branch with First Class or equivalent

Post Ph.D publications and guiding Ph.D students is highly desirable, and minimum of five years experience in teaching/research/industry out of which two years post Ph.D experience is desirable.”

4. The crucial date of the panel for the post of Associate Professor is 1st March of every year. However, the petitioner did not complete Ph.D on the crucial date of the panel year 2021-22. Therefore, she is not entitled for Associate Professor as per rules in force. Thereafter, the particulars of eligible candidates for the panel year 2022-23 and 2023-24 from Government Engineering Colleges have been called for. The particulars of the petitioner has been received which is under active consideration by the second respondent.

5. In view of the above submissions, the second respondent is directed to consider the particulars received from the petitioner for promotion and pass appropriate orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.



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6. With the above directions, this writ petition is disposed of. There shall be no order as to costs.

26.03.2024

Internet: Yes

Index : Yes/No

Neutral Citation: Yes/No

Speaking/Non Speaking order
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To

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G.K.ILANTHIRAIYAN. J.

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