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W.P.No.17835 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2024

CORAM:

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

W.P.No.17835 of 2022
and W.M.P.No.17182 of 2022

Dr.K.A.Shanmugasundram

.... Petitioner

-Vs-

1. State of Tamil Nadu,
Rep. By its Secretary to Government,
Agricultural Production Commissioner
and Secretary to Government,
Agriculture and Farmers Welfare Department,
Secretariat, Chennai – 600 009.

2. The Registrar,
Tamil Nadu Agricultural University,
Coimbatore – 641 003.

.... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus directing the second respondent University to consider the petitioner's application for promotion to the post of Professor under the Career Advancement Scheme, 2022, pending orders from the first respondent pursuant to the order of this Court in W.P.No.6824/2021 dated 23.06.2022.

For Petitioner

: Mr.N.Kavitha Rameshwar

For R1

: Dr.T.Seenivasan

Special Government Pleader

For R2

: Mr.M.Vijayamehanath



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ORDER

This Writ Petition has been filed for direction directing the second respondent to consider the application of the petitioner for promotion to the post of Professor under the Career Advancement Scheme, 2022.

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

3. The petitioner was initially appointed as an Assistant Professor (Horticulture) in PAJANCOA & RI Karaikal Society by an order dated 11.01.2003. Thereafter, by the proceedings dated 24.03.2008, he was placed in the Senior Scale with effect from 24.01.2007. Thereafter, he had applied for the post of Assistant Professor (Horticulture) in the second respondent University. By the proceedings dated 26.12.2009, he was appointed in the post of Assistant Professor (Horticulture). However, there was no break in service and his service has been deemed to be continuous one. However, his past service was not counted for the purpose of Career Advancement. Thereafter, by the proceedings dated 29.10.2014, the second respondent promoted the petitioner to the post of Assistant Professor Stage I to Assistant Professor Stage II. The petitioner submitted a representation to count his past service to the



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Career Advancement Scheme selection conducted by the second respondent.

He was not granted advancement to Stage III with retrospective effect.

4. While being so, the second respondent University issued a Circular dated 15.06.2015 calling for applications for elevation to higher academic grade pay under the Career Advancement Scheme. As per G.O.Ms.No.39, Agriculture (AU) Department dated 01.03.2010, the petitioner applied for the same and also informed about his past service rendered in the cadre of Assistant Professor, which were already counted for his promotion to Stage III at Tamil Nadu Agricultural University. Thereafter, the second respondent, by its proceedings dated 13.05.2018, promoted the petitioner as Associate Professor. However, the second respondent, by its proceedings dated 02.08.2019, reverted the petitioner from the post of Associate Professor to the post of Assistant Professor Stage III and also ordered to recover the excess amount paid to the petitioner.

5. The petitioner challenged the same by way of writ petition before this Court in W.P.No.24222 of 2019 and the same is pending. By an order dated 24.08.2022 the order of reversion was set aside and this Court



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directed the second respondent to permit the petitioner to work as Associate Professor. Now, the second respondent called for applications for promotion to the post of Professor. Accordingly, the petitioner applied for the post of Professor. In the meanwhile, this Court, by an order dated 23.06.2022 in W.P.No.6824 of 2021, directed the second respondent to consider the past service of the petitioner.

6. Considering the above facts and circumstances of the case, the second respondent is directed to consider the application submitted by the petitioner seeking promotion to the post of Professor by considering his past service and promote him to the post of Professor, if otherwise he is eligible as per UGC Regulations, 2010.

7. With the above direction, this Writ Petition stands allowed. Consequently, connected miscellaneous petition is closed. No costs.

11.01.2024

Internet: Yes
Index : Yes/No
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To



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1. The Secretary to Government,
Agricultural Production Commissioner
and Secretary to Government,
Agriculture and Farmers Welfare Department,
Secretariat, Chennai – 600 009.

2. The Registrar,
Tamil Nadu Agricultural University,
Coimbatore – 641 003.

G.K.ILANTHIRAIYAN. J.



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