



W.P.No.35031 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **23.07.2024**

CORAM

THE HONOURABLE Ms. JUSTICE **P.T.ASHA**

**W.P.No.35031 of 2014**  
**and M.P.Nos.1 and 2 of 2014**

Dr.C.Christober Asir Rajan

... Petitioner

-VS-

- 1.Pondicherry Engineering College,  
represented by its Principal,  
(Established and funded by Government  
of Puducherry),  
Pillaichavady,  
Puducherry – 605 014.
- 2.Staff (Teaching Selection Committee),  
represented by its Chairman,  
Pondicherry Engineering College,  
Pillaichavady,  
Puducherry – 605 014.
- 3.The Member Secretary,  
Pondicherry Engineering College,  
Pillaichavady,  
Puducherry – 605 014.
- 4.The Secretary to Government (Education),  
Government of Puducherry,  
Puducherry – 605 001.



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5.The All India Council for Technical Education,  
represented by its Member Secretary,  
7<sup>th</sup> Floor, Chanderlok Building,  
Janpath, New Delhi – 110 001.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India praying to writ of declaration, declaring that the 2<sup>nd</sup> respondent selection committee which held interview on 27.06.2013 had been constituted contrary to the All India Council of Technical Education Regulations and also the office order of the respondent dated 12.11.2014 bearing No.PE/Estt(T)/E11/CAS/2014/No.3430-(K) insofar as promoting the petitioner as Professor Stage 5 under the Career Advancement Scheme with effect from 24.07.2013 instead of 19.01.2012 as illegal, arbitrary, contrary to law and consequently direct the respondent Nos.1 to 3 to promote the petitioner as Professor Stage 5 under Career Advancement Scheme with effect from 19.01.2012 with all monetary benefits and due seniority.

For petitioner : Mr.Balan Haridas

For respondents : Mr.R.Syed Mustafa,  
Special Government Pleader (Puducherry),  
for R1 to R4,  
Mr.B.Babu Manohar, for R5

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### **ORDER**

Aggrieved by the fact that the first respondent had granted promotion to the petitioner as Professor Stage 5 under the Career Advancement Scheme with effect from 24.07.2013 instead of 19.01.2012, the petitioner is before this Court.

2. The petitioner would contend that he is a B.E. Graduate in Electrical and Electronics Engineering who had completed his degree course with distinction and had done his M.E. in Power System and obtained his P.G Degree also with distinction. Thereafter, he completed his doctorate programme in Power System from College of Engineering, Anna University, Guindy, Chennai, and had obtained Ph.D. Degree at a highly commendable level.

3. The petitioner would submit that he had joined the first respondent College as Lecturer on 07.01.1998 and was later promoted as Senior Lecturer on 07.01.2003 through Departmental



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Promotion Committee (DPC) and by way of direct recruitment, he was appointed as Assistant Professor in the Department of Electrical and Electronics Engineering on 19.01.2006. He was promoted as Associate Professor on 19.01.2009 under the Career Advancement Scheme.

4. The petitioner would submit that he has been awarded with several merits and distinctions in the national level and international level and he has also done several publications to his credit. He has also published research papers in national and international journals and conferences. Further, the petitioner would submit that seven Ph.D. degrees were awarded to persons under his guidance.

5. On 08.11.2012, AICTE (Career Advancement Scheme for the Teachers and other Academic Staff in technical Institution) (Degree) Regulations, 2012, (hereinafter called as “The AICTE



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Regulations, 2012”) was brought into effect. Under this Regulation, a teacher wishing to be considered for promotion under the Career Advancement Scheme was required to submit the application to the University / College within three months ahead of date when he fulfils all qualifications under the Career Advancement Scheme and submit the same to the University / College and promotion would then to considered if the applicant satisfies the conditions stipulated in the Regulations.

6. The petitioner would submit that in the month of March 2013, he had applied for Career Advancement Scheme promotion from the post of Associate Professor to Professor. He was thereafter, called for an interview on 27.06.2013. In the course of the interview, one of the Selection Committee Members from the University stated that the petitioner was guiding more Ph.D. candidates. The petitioner would submit that such a claim is false and baseless and at that point in time, he was guiding only three Ph.D. candidates in the



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Pondicherry University as approved by the Pondicherry University.

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The Head of the Department had communicated the total number of scholars doing Ph.D. under the petitioner to the first respondent. Therefore, the petitioner would submit that there is no suppression on the part of the petitioner about guiding the Ph.D. scholars.

7. However, the members of the committee directed/forced him to withdraw his application for promotion to the post of Professor and directed him to attend the next Career Advancement Scheme for promotion and he was assured that in the next Career Advancement Scheme, his eligibility will be considered and retained as per the original eligibility date ie., on 19.01.2012. With this assurance, the petitioner had withdrawn his application.

8. In the year 2014, when applications were called for promotion to the post of Professor, the petitioner had submitted his application and was called for interview on 30.10.2014. By an order



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dated 12.11.2014 (which is impugned in the present writ petition), the petitioner was granted promotion with effect from 24.07.2013 and not from 19.01.2012 as assured.

9. Therefore, the petitioner had given a representation dated 19.11.2014 requesting the Chairman, Vice Chairman and the Member Secretary of the first respondent college to rectify the mistake. The first respondent has issued a memo dated 10.12.2014 to the petitioner stating that he had given false information against his employer / committee by stating in his representation that he was forced to withdraw his application. The petitioner has also given a detailed explanation on 19.12.2014 to the aforesaid memo. The petitioner would submit that even assuming that he had withdrawn the application without any reason, he is entitled to be considered from 19.01.2012 when he had become fully eligible. Since his grievance has not been redressed, the petitioner had challenged the impugned order insofar it states that the date of promotion is



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24.07.2013 and not 19.01.2012.

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10. The first respondent has filed a counter affidavit, in which, the first respondent admitted the fact that the petitioner has submitted his application for promotion to the post of Professor under Career Advancement Scheme and was called for an interview on 27.06.2013, as he had fulfilled the eligibility criteria. However, at the time of interview, the petitioner had informed about the number of research scholars under his guidance which the expert in the committee had taken note of. Since it was more than the maximum numbers prescribed under the norms of the AICTE/UGC, the expert member objected and stated that they would be taking action in this regard and then, the applicant had withdrawn his application to avoid facing hardship. Thereafter, by a letter dated 18.11.2013, the petitioner had stated that he is only guiding seven scholars and the remaining scholars had changed their guide. He had thereafter, submitted an application on 24.07.2013 for promotion to the post of



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Professor under the Career Advancement Scheme. The interview was conducted on 30.10.2014 and he was promoted to the post of Professor with effect from 24.07.2013.

11. The first respondent had themselves spoken about the case of one K.Selvaraju (Puducherry) in the Department of Computer Science and Engineering who had also applied for promotion to the post of Professor under the Career Advancement Scheme during the year 2013. He was disqualified since he did not fulfil one of the eligible criteria *viz.*, publishing of journal papers. He had once again submitted his application and in the selection process held on 30.10.2014, he had been promoted to the post of Professor with effect from 01.05.2013 *viz.*, on the date of completion of the eligibility criteria. The first respondent would further state that the petitioner was not considered from the date of eligibility since he had withdrawn his earlier application and applied afresh and therefore, sought to have the writ petition dismissed.



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12. Mr.Balan Haridas, learned counsel appearing on behalf of the petitioner would submit that the eligibility for promotion to the post of Professor from the post of Associate Professor has been set out in Regulation 3.9 of the AICTE Regulations, 2012. There is no mentioning about the research scholars in the said qualifications. Further, Regulation 2.14 of the AICTE Regulations, 2012, states that a person is eligible for promotion on the date of completion of minimum period of eligibility. The petitioner became eligible on 19.01.2012 and therefore, he ought to be considered from the said date. Further, he would submit that the respondents are trying to introduce a new criteria which is not contemplated in the notification. He would also rely on the judgment of the Single Judge of this Court in the batch of writ petitions in the case of ***Dr.Ganapathi Malarvizhi vs. The State of Tamil Nadu and others*** (W.P.Nos.30069, 21594 of 2019, etc., decided on 19.03.2021), wherein, this Court had held that the additional qualifications introduced cannot be made applicable to the writ petitioners therein.



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13. Per contra, Mr.R.Syed Mustafa, learned Special Government Pleader (Puducherry) would vehemently contend that on the date of original application, the petitioner was not qualified as he was guiding 19 Ph.D. scholars as against the permitted number of 8 scholars. He would submit that the petitioner had, therefore, voluntarily withdrawn the earlier application as disciplinary proceedings were proposed to be initiated against him. He would submit that it was only on 18.11.2013 that the petitioner had submitted the letter stating that he had reduced the number of Ph.D. scholars under his guidance to seven scholars and since he had qualified thereafter, his application was considered and he was promoted to the post of Professor with effect from the date on which he had submitted his second application. He would further submit that the petitioner had himself undertaken that he is guiding 17 Ph.D. Scholars which is contrary to the University Grants Commission (Minimum Standards and Procedures for Award of Ph.D. Degree) Regulations, 2022, (hereinafter called as “The UGC Regulations,



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2022”) wherein, Regulation 6.3 of the UGC Regulations, 2022, it states that an eligible Professor / Associate Professor / Assistant Professor can guide up to eight (8) / six (6) / four (4) Ph.D. scholars at a given point in time. Regulation 8 of the UGC Regulations, 2022, further provides that the total number of Ph.D. scholars under a faculty member, either as a supervisor or a co-supervisor shall not exceed the number prescribed in clause 6.3 and clause 7.1. Regulation 7 of the UGC Regulations, 2022, deals with the admission of international students in Ph.D. Programme, which are not relevant in the instant case. Therefore, the learned Special Government Pleader would submit that the petitioner himself had accepted the norms fixed by the UGC and was therefore, ineligible for promotion when he has submitted his first application. Thereafter, when he had brought down the number of scholars under his guidelines within the norms stipulated by the UGC Regulations, 2022, his promotion has been considered. He would submit that therefore, there is no error in the impugned order.



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

15. The only issue for consideration is whether guiding 17 Ph.D. scholars in their research work is a disqualification under the AICTE Regulations, 2012. Regulation 2.14 of the AICTE Regulations, 2012, would state as follows:

*“2.14. If a candidate applies for promotion immediately on completion of the minimum eligibility period and is successful, the date of promotion will be made applicable from the date of completion of minimum period of eligibility.”*

15.1. Regulation 3 of the AICTE Regulations, 2012, talks about the stages of promotion under the Career Advancement Scheme of incumbent and newly appointed Professor / Associate Professors / Assistant Professors. Regulation 3.9 of the AICTE Regulations, 2012, therein talks about the promotion to the post of



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Professor from the post of Associate Professor. Regulation 3.9 of the AICTE Regulations, 2012, would read as follows:

*“3.9. Associate Professor completing three years of service in stage 4 and possessing a Ph.D. Degree in the relevant discipline shall be eligible to be appointed and designated as Professor and be placed in the next higher grade of Rs.10000 (stage 5) subject to following:*

*(a) satisfying the required credit points as per API based PBAS requirements as provided in Tables of Appendix 1; and*

*(b) an assessment by a duly constituted selection committee as suggested for the direct recruitment of Professor.*

*Provided that no teacher other than those with a Ph.D. shall be promoted or appointed as Professor.”*

A reading of the above regulation clearly indicates that an Associate Professor who completes three years of service in stage 4 and possesses a Ph.D. Degree in the relevant discipline, would be



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eligible to be appointed and designated as Professor in stage 5.

However, the above is subject to the following two conditions:

(a) satisfying the required credit points as per API based PBAS requirements as provided in Tables of Appendix 1; and

(b) an assessment by a duly constituted selection committee as suggested for the direct recruitment of Professor.

15.2. The appendix 1 sets out the scores that can be granted for academic performance indicators (APIs) in recruitments and Career Advancement Scheme (CAS) promotions. Marks for various categories are provided in this appendix and category III D deals with the research guidance. This category details maximum points for the university and college teachers position. Under the head of Ph.D., it is 10 marks for each candidate who was awarded degree and when thesis is submitted, it is 7 marks for each candidate. Nowhere in the AICTE Regulations, it is stated that the candidate has to satisfy the UGC norms. On the contrary, Regulation 2.1 of the



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AICTE Regulations, 2012, it reads as follows:

*“A teacher who wishes to be considered for promotion under CAS may submit in writing to the University / College, within three months in advance of the due date, that he / she fulfills all qualifications under CAS and submit to the University / College the Performance Based Appraisal System (PBAS) in a proforma as evolved by the concerned University / College duly supported by all credentials as per the Academic Performance Indicator (API) guidelines (Appendix 1) set out in these Regulations.”*

Even the proforma which has been annexed by the respondent to their counter which was submitted by the petitioner simply seeks information about how many persons the applicant is guiding in Ph.D. / M.Tech. / M.Phil. / M.Sc. The petitioner, in his application dated 23.01.2012, had submitted all the details including the number of Ph.D. scholars he was guiding. It was, thereafter, that the petitioner was found eligible and recommended for an interview.



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Further, Regulation 3.9 of the AICTE Regulations, 2012, does not make compliance of the UGC norms to be an eligibility criteria. The respondents are seeking to introduce a new qualification which is not found in the regulations.

16. The learned Single Judge of this Court in the case of *Dr.Ganapathi Malarvizhi, supra*, had considered two resolutions passed by the University Syndicate whereby new conditions had been introduced for promotion from the post of Assistant Professor to Associate Professor (stage 3 to stage 4) and from the post of Associate Professor to Professor (stage 4 to stage 5). The contents of the resolutions passed by the Syndicate and adoption of its minutes dated 03.09.2018 and 09.11.2018 are also referred to therein. The learned Judge, after considering the Regulations at length, observed that the additional qualifications cannot be introduced and made applicable to the writ petitioners and what was only looked into is only API scores. By introducing additional qualifications, the



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University would be diluting the exemption benefit to the candidates who are otherwise entitled to the exemption of API scores for the relevant period and with reference to the candidates who are not entitled to the grant of exemption of API scores, the additional qualifications cannot be made applicable only on the ground that the selection was already held and the qualifications that were prescribed in the application form cannot be improved upon. The learned Judge held that the introduction of new criteria was bad.

17. The facts of the above cases are more or less identical to the issues involved in the present writ petition. That apart, a perusal of the minutes of the committee clearly shows what were placed for consideration of the committee. They are as follows:

- (a) AICTE guidelines / norms for promotion under CAS;
- (b) A consolidated statement containing date of joining, date of completion of required service and date of completion of publication requirement;



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(c)API score sheet and Annual Confidential Reports of the candidates.

Even the committee has not taken into consideration the UGC regulations / norms.

18. In the light of the above, the reason for denying promotion to the petitioner with effect from 19.01.2012, the date on which he had become eligible is without any basis and therefore, the writ petition is allowed as prayed for. Consequently, connected M.Ps. stand closed. No costs.

**23.07.2024**

Internet : Yes  
Index : Yes/No  
Speaking order/Non-speaking order  
ssa



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To

1. The Principal,  
Pondicherry Engineering College,  
(Established and funded by Government  
of Puducherry),  
Pillaichavady,  
Puducherry – 605 014.
2. The Chairman,  
Staff (Teaching Selection Committee),  
Pondicherry Engineering College,  
Pillaichavady,  
Puducherry – 605 014.
3. Member Secretary,  
Pondicherry Engineering College,  
Pillaichavady,  
Puducherry – 605 014.
4. Secretary to Government (Education),  
Government of Puducherry,  
Puducherry – 605 001.
5. The Member Secretary,  
The All India Council for Technical Education,  
7<sup>th</sup> Floor, Chanderlok Building,  
Janpath, New Delhi – 110 001.



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**P.T.ASHA, J.,**

ssa

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