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WP.No.20378 of 2024

In the High Court of Judicature at Madras

Dated : 28.8.2024

Coram :

The Honourable Mr.Justice N.ANAND VENKATESH

Writ Petition No.20378 of 2024
& WMP.No.22301 of 2024

- 1.Dr.G.Uma, Assistant
Professor of Statistics
- 2.Dr.C.Balakrishnamurthy,
Assistant Professor & Head
of Psychology
- 3.Dr.J.Anuja, Assistant
Professor of Botany
- 4.Dr.S.Arvinth, Assistant
Professor of Botany
- 5.Dr.K.Anusuya Devi,
Assistant Professor of
Nutrition & Dietetics
- 6.Dr.S.Sangeetha,
Assistant Professor of
Commerce

all at PSG College of Arts
& Science, Coimbatore-14.

...Petitioners

Vs

- 1.The Director of Collegiate
Education, Institute of
Advanced Study in Education
Campus, No.577, Anna Salai,
Chennai-15.



WP.No.20378 of 2024

2.The Regional Joint Director of Collegiate Education, Next to Income Tax Office, Race Course, Coimbatore-18.

3.The Secretary, PSG College of Arts & Science, Coimbatore-14.

4.The Principal, PSG College of Arts & Science, Coimbatore-14.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records of the 3rd respondent dated 01.2.2024, quash the same and consequently direct the 3rd respondent to forward the petitioners' Career Advancement Scheme (CAS) proposals to the 2nd respondent under proceedings issued by the 1st respondent in Rc.No.48913/G3/95 dated 14.9.1995.

For Petitioners	:	Mr.Muthuchharan Sundresh
For R1 & R2	:	Mr.K.Surendran, AGP
For R3 & R4	:	Mr.R.Bharanidharan

ORDER

This writ petition has been filed challenging the proceedings of the third respondent dated 01.2.2024 and for a consequential direction to the third respondent to forward the petitioners' Career Advancement Scheme (CAS) proposals to the second respondent to be



WP.No.20378 of 2024

dealt with as per the proceedings of the first respondent dated 14.9.1995.

2. The petitioners are working as Assistant Professors in the third respondent college. The Government of Tamil Nadu, through G.O.Ms.No.5 dated 11.1.2021, mandated implementation of the CAS for faculty members working both in the Government colleges as well as in the Government aided colleges effective from 11.1.2021. The first respondent, thereafter, issued instructions to all the Government colleges and the Government aided colleges throughout the State of Tamil Nadu on 04.5.2021 to expedite the process of implementing the CAS in the respective institutions.

3. The petitioners requested the third respondent college to submit proposals for extending the CAS in favour of them. Since their request was not considered, W.P.No.34254 of 2022 was filed before this Court and it was disposed of on 14.12.2023 directing the respondents to deal with the representation made by the petitioners and pass orders within a period of four weeks.

4. Pursuant to the said order dated 14.12.2023, the impugned proceedings dated 01.2.2024 refusing to forward the CAS proposals



WP.No.20378 of 2024

came to be issued by the third respondent on the ground that disciplinary proceedings are pending against the petitioners and that the first respondent, through proceedings dated 24.1.2022, made it clear that if any disciplinary proceedings are pending against the teachers, their CAS proposals should not be forwarded. Accordingly, the request made by the petitioners was rejected. Aggrieved by that, the present writ petition is filed before this Court.

5. Respondents 3 and 4 filed a counter affidavit, in which, they took a stand that the disciplinary proceedings are pending against the petitioners and that therefore, the CAS proposals were not forwarded in view of the proceedings of the first respondent dated 24.1.2022. Accordingly, they justified the impugned proceedings rejecting the claim made by the petitioners and sought for dismissal of this writ petition.

6. Heard both.

7. On carefully going through the records, it is seen that the disciplinary proceedings were initiated against 51 teachers on account of absenting themselves from duty without proper permission and indulging in acts of disrupting the activities of the college on



WP.No.20378 of 2024

03.3.2022. Out of the 51 teachers, 37 teachers submitted apology letters. Considering the same, on 28.9.2022, the College Committee decided to accept those apology letters and dropped the disciplinary proceedings against them. Hence, the disciplinary proceedings are pending only against 13 teachers. The petitioners also fall under this group of 13 teachers.

8. The proceedings of the first respondent dated 24.1.2022 makes it clear that the CAS proposals should not be forwarded if any disciplinary proceedings are pending against the teachers. There is no dispute that disciplinary proceedings are pending against the petitioners. Therefore, the third respondent is not in a position to forward the CAS proposals.

9. The disciplinary proceedings are pending from 2022 without any progress. Some incident had taken place in the spur of the moment. It does not involve any moral turpitude. Therefore, the petitioners can also submit their similar apology letters to the third respondent as was done by the other 37 teachers. On receipt of the same, the disciplinary proceedings initiated against the petitioners for the incident that took place on 03.3.2022 can be dropped. Once the disciplinary proceedings are dropped, there will be no prohibition for



WP.No.20378 of 2024

the third respondent to place the CAS proposals before the second respondent.

10. In the light of the above discussions, the petitioners are directed to submit their apology letters to the third respondent, as was done by the other 37 teachers, within a period of one week from the date of receipt of a copy of this order. On receipt of the same, the third respondent shall drop the disciplinary proceedings against the petitioners immediately. Thereafter, the CAS proposals of the petitioners shall be forwarded to the second respondent unless any other disciplinary proceedings are pending. The CAS proposals so forwarded shall be dealt with by the second respondent as per the proceedings of the first respondent dated 14.9.1995 and the benefits shall be extended to the petitioners from the date they became eligible for the same. This process shall be completed by the second respondent within a period of six weeks after the disciplinary proceedings are dropped on receipt of the apology letters.

11. This writ petition is disposed of with the above directions. No costs. Consequently, the connected WMP is closed.

28.8.2024



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WP.No.20378 of 2024

N.ANAND VENKATESH,J

RS

To

- 1.The Director of Collegiate Education, Institute of Advanced Study in Education Campus, No.577, Anna Salai, Chennai-15.
- 2.The Regional Joint Director of Collegiate Education, Next to Income Tax Office, Race Course, Coimbatore-18.

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