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W.P.Nos.24405 and 24412 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.04.2024

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.Nos.24405 and 24412 of 2023
and W.M.P.Nos.23833, 23835, 23842 & 23843 of 2022

K.Sundararaj

.. Petitioner in W.P.No.24405/2023

V.Balakrishnan

.. Petitioner in W.P.No.24412/2023

Vs.

1. The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Higher Education Department,
Fort St. George, Chennai – 600 009.
2. The Director of Technical Education,
Directorate of Technical Education,
No.53, Sardar Patel Road,
Chennai – 600 025.
3. The Principal,
P.A.C.Ramasamy Raja Polytechnic College,
K.R.Nagar Post, PACR Salari, Rajapalayam,
Virudhunagar District - 626 108. .. Respondents in both W.Ps.

Common Prayer: Petitions filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus to call for the records of the proceedings of the 2nd respondent relating to the order dated 08.07.2020 having Ref.No.325822/C1/2018-3 and Ref.35822/C1/2018-4 respectively and quash the same and consequently direct the 2nd



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respondent to fix AGP 9000 in the scale of pay of Rs.37400-67000+AGP 9000 as on 05.07.2009 and 01.01.2009 respectively with all the consequential monetary benefits to the petitioner for having completed 3 years from 05.07.2006 in AGP 8000 and 01.01.2006 in AGP 8000 respectively as stipulated in G.O.Ms.No.111, Higher Education (C2) Department, dated 25.05.2010 and for having fulfilled the guidelines of All India Council for Technical Education (AICTE) for progression to AGP 9000 and fix the the pension for the petitioners based on AGP 9000.

For Petitioner [in both W.Ps.]	: Ms.C.Uma
For Respondents [in both W.Ps.]	: Mr.P.Muthukumar Addl. Advocate General assisted by Mr.R.Kumaravel, AGP [RR1 & 2]

COMMON ORDER

These Writ Petitions have been filed to call for the records of the 2nd respondent in Ref.No.35822/C1/2018-3 and Ref.No.35822/C1/2018-4 dated 08.07.2020 and quash the same and consequently direct the 2nd respondent to fix the petitioner with the AGP of Rs.9,000/- from 05.07.2009 and 01.01.2009 respectively with all the consequential monetary benefits to the petitioners for having completed 3 years from 05.07.2006 in AGP 8000 and 01.01.2006 in AGP 8000 respectively as stipulated in G.O.Ms.No.111, Higher Education (C2) Department, dated 25.05.2010 and for having fulfilled the guidelines of All India Council for



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Technical Education (AICTE) for progression to AGP 9000 and fix the the pension for the petitioners based on AGP 9000.

2. When the matter came up for hearing today, *Ms.C.Uma*, learned Counsel appearing on behalf of the petitioners and *Mr.Muthukumar*, Additional Advocate General appearing on behalf of the respondents 1 and 2 would state that the matter is no longer *res integra* and is covered by the dictum laid down by this Court in W.P.Nos.7135 of 2020 etc., Batch dated 06.03.2024.

3. The Co-ordinate Bench of this Court while dealing with the same issue, in paragraph Nos.31,32 and 33 held as follows:-

“31. In view of the above discussions, it is needless to state that the eligibility criteria contemplated under G.O.(Ms).No.111, dated 25.05.2010 is applicable for those persons who attained the qualification on or from 05.03.2010 and not any time earlier. In fact, G.O.(Ms.)No.563, dated 31.12.2004 itself it has been made clear that the existing CAS as ordered in G.O.(Ms.)No.1081, dated 19.08.1989 would continue without any break till such time the general pay revision is taken up by the pay commission.

32. The next Government Order revising the qualification criteria has been issued only in the year 2010 vide G.O.(Ms).No.111, Higher Education (C2) Department, dated 25.05.2010. Hence, G.O.(Ms).No.111, dated 25.05.2010 would prescribe certain eligibility criteria apart from the educational qualifications for getting AGP at every level. So the



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petitioners who have filed these Writ Petitions have to check whether their eligibility to get CAS as per the earlier G.O.(Ms.)No.1081, dated 19.08.1989 before the cut-off date i.e. 05.03.2010.

33. In most of the cases, the petitioners who have retired from service are said to have attained their eligibility to move to AGP 9000 as on 01.01.2009. Or in other words, the petitioners, who reached AGP in the post of Selection Grade Lecturer as on 01.01.2006 in the AGP 8000 is eligible to move to AGP 9000 on completing 3 years of service from 01.01.2006. So their eligibility to move AGP 9000 will be on and from 01.01.2009. Obviously, the eligibility criteria contemplated under G.O.(Ms.)No.111, dated 25.05.2010 r/w Regulations, 2012 cannot be made applicable to their cases.”

4.Finally, the relief in respect of current petitioners is granted in paragraph No.42 and the operative portion in paragraph No.43 are extracted below:-

“42. So on the background of the above discussions, the following conclusions are arrived:-

i. *G.O.(Ms.)No.111, dated 25.05.2010 is applicable in respect of CAS, only for those persons who had attained the eligibility criteria on and from 25.05.2010 and not any time before and no retrospective effect be given to the above said Government Order.*

ii. *Even though the AICTE Regulations, 2012 states about an earlier date i.e. 05.03.2010, its applicability can be taken into effect only from the date of the Government Order and not from 05.03.2010.*

iii. *Even if the Training and Publication norms as prescribed under G.O.(Ms.)No.111, dated 25.05.2010 are not complied for those who attained the eligibility on and from 25.05.2010, they will also be eligible to get CAS, if they are otherwise qualified as per G.O.(Ms.)No.111, dated 25.05.2010. This has been clarified in the subsequent G.O.(Ms.)No.58, dated 21.03.2018.*

iv. *For those persons, who have attained eligibility criteria before 25.05.2010 for getting CAS will only be*



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D.BHARATHA CHAKRAVARTHY, J.

mp

To

1.The Principal Secretary
State of Tamil Nadu
Department of Higher Education
Fort St.George, Chennai -9.

2.The Director of Technical Education
Office of the Directorate of Technical Education
53, Sardar Patel Road, Guindy
Chennai – 25.

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