



WEB COPY



WP.No.2302 of 2023
etc. cases

In the High Court of Judicature at Madras

**Reserved on :
09.9.2024**

**Delivered on :
11.9.2024**

Coram :

The Honourable Mr.Justice N.ANAND VENKATESH

Writ Petition Nos.2302, 2309, 2312, 2315, 2318,
6935, 6940, 6944, 6948 & 7030 of 2023
& all connected pending WMPs

Dr.C.Valliyammai, Associate
Professor, Department of
Computer Technology, MIT
Campus, Anna University,
Chennai-44

...Petitioner in WP.No.
2302 of 2023

Dr.S.Jayalakshmi, Associate
Professor, Department of Civil
Engineering, CEG Campus,
Anna University, Chennai-25

...Petitioner in WP.No.
2309 of 2023

Dr.V.Ponmalar, Associate
Professor, Division of Structural
Engineering, Department of
Civil Engineering, CEG Campus,
Anna University, Chennai-25

...Petitioner in WP.No.
2312 of 2023

Dr.P.Uma Maheswari, Associate
Professor, Department of Computer
Science & Engineering, CEG Campus,
Anna University, Chennai-25

...Petitioner in WP.No.
2315 of 2023



WP.No.2302 of 2023
etc. cases

Dr.A.Merline Sheela, Assistant
Professor (Sr.Gr.), Centre for
Environmental Studies,
Department of Civil Engineering,
Anna University, Chennai-25

...Petitioner in WP.No.
2318 of 2023

Dr.M.R.Swaminathan, Associate
Professor, Department of
Mechanical Engineering,
CEG Campus, Anna University,
Chennai-25

...Petitioner in WP.No.
6935 of 2023

Dr.A.Gnanavel Babu, Associate
Professor, Department of
Industrial Engineering,
CEG Campus, Anna University,
Chennai-25

...Petitioner in WP.No.
6940 of 2023

Dr.G.B.Bhaskar, Associate
Professor, Department of
Production Technology,
MIT Campus, Anna University,
Chennai-44

...Petitioner in WP.No.
6944 of 2023

Dr.M.Manikandan, Associate
Professor, Department of
Electronics Engineering,
MIT Campus, Anna University,
Chennai-44

...Petitioner in WP.No.
6948 of 2023

Dr.T.Mala, Associate Professor,
Department of Information
Science & Technology,
CEG Campus, Anna University,
Chennai-25

...Petitioner in WP.No.
7030 of 2023

Vs



WP.No.2302 of 2023
etc. cases

- 1.The State of Tamil Nadu, rep.
by its Secretary, Department
of Higher Education,
Fort St.George, Chennai-9.
- 2.The Director of Technical
Education, DOTE Campus,
Chennai-25.
- 3.The Anna University, rep.by
its Registrar, Guindy, Chennai-25.
- 4.All Indian Council for Technical
Education, rep.by its Chairman,
7th Floor, Chanderlok Building,
Janpath, New Delhi-11.

...Respondents in
all the WPs

PETITIONS under Article 226 of The Constitution of India praying
for the issuance of Writs of Certiorarified Mandamus

(i) to call for the records relating to the impugned resolution of
the selection committee dated 05.1.2021, quash the same in so far as
it relates to the denial of promotion of the petitioner from Associate
Professor (Stage 4) to Professor (Stage 5) and further direct the 3rd
respondent - University to give promotion to the petitioner forthwith as
Professor with effect from 28.01.2018 in terms of the University letter
dated 15.2.2018 with all attendant benefits including seniority and
arrears of salary and allowances (W.P.No.2302 of 2023);

(ii) to call for the records relating to impugned resolution of the
selection committee dated 28.11.2020, quash the same in so far as it
relates to the denial of promotion of the petitioner from Associate
professor (Stage 4) to Professor and further direct the 3rd respondent
- University to give promotion to the petitioner forthwith as Professor



*WP.No.2302 of 2023
etc. cases*

with effect from 01.2.2018 in terms of the University letter dated 15.2.2018 with all attendant benefits including seniority and arrears of salary and allowances (W.P.No.2309 of 2023);

(iii) to call for the records relating to impugned resolution of the selection committee dated 28.11.2020, quash the same in so far as it relates to the denial of promotion of the petitioner from Associate Professor (Stage 4) to Professor and further direct the 3rd respondent - University to give promotion to the petitioner forthwith as Professor with effect from 26.11.2017 in terms of the University letter dated 15.2.2018 with all attendant benefits including seniority and arrears of salary and allowances (W.P.No.2312 of 2023);

(iv) to call for the records relating to impugned resolution of the selection committee dated 05.1.2021, quash the same in so far as it relates to the denial of promotion of the petitioner from Associate Professor (Stage 4) to Professor (Stage 5) and further direct the 3rd respondent - University to give promotion to the petitioner forthwith as Professor with effect from 10.12.2017 in terms of the University letter dated 15.2.2018 with all attendant benefits including seniority and arrears of salary and allowances (W.P.No.2315 of 2023);

(v) to call for the records relating to impugned resolution of the selection committee dated 28.11.2020, quash the same in so far as it relates to the denial of promotion of the petitioner from Assistant Professor (Stage 3) to Associate Professor (Stage 4) and further direct the 3rd respondent - University to give promotion to the petitioner forthwith as Associate Professor with effect from 18.2.2017 in terms of the University letter dated 15.2.2018 with all attendant benefits including seniority and arrears of salary and allowances (W.P.No.2318 of 2023);



*WP.No.2302 of 2023
etc. cases*

(vi) to call for the records relating to impugned resolution of the selection committee dated 30.11.2020, quash the same in so far as it relates to the denial of promotion of the petitioner from Associate Professor (Stage 4) to Professor (Stage 5) and further direct the 3rd respondent - University to give promotion to the petitioner forthwith as Professor with effect from 13.12.2017 in terms of the University letter dated 15.2.2018 with all attendant benefits including seniority and arrears of salary and allowances (W.P.No.6935 of 2023);

(vii) to call for the records relating to impugned resolution of the selection committee dated 30.11.2020, quash the same in so far as it relates to the denial of promotion of the petitioner from Associate Professor (Stage 4) to Professor (Stage 5) and further direct the 3rd respondent - University to give promotion to the petitioner forthwith as Professor with effect from 27.8.2017 in terms of the University letter dated 15.2.2018 with all attendant benefits including seniority and arrears of salary and allowances (W.P.No.6940 of 2023);

(viii) to call for the records relating to impugned resolution of the selection committee dated 30.11.2020, quash the same in so far as it relates to the denial of promotion of the petitioner from Associate Professor (Stage 4) to Professor (Stage 5) and further direct the 3rd respondent University to give promotion to the petitioner forthwith as Professor with effect from 28.11.2017 in terms of the University letter dated 15.2.2018 with all attendant benefits including seniority and arrears of salary and allowances (W.P.No.6944 of 2023);

(ix) to call for the records relating to impugned resolution of the selection committee dated 09.12.202, quash the same in so far as it relates to the denial of promotion of the petitioner from Associate



WP.No.2302 of 2023
etc. cases

Professor (Stage 4) to Professor (Stage 5) and further direct the 3rd respondent University to give promotion to the petitioner forthwith as Professor with effect from 19.8.2015 in terms of the University letter dated 15.2.2018 with all attendant benefits including seniority and arrears of salary and allowances (W.P.No.6948 of 2023); and

(x) to call for the records relating to impugned resolution of the selection committee dated 05.1.2021, quash the same in so far as it relates to the denial of promotion of the petitioner from Assistant Professor (Stage 3) to Associate Professor (Stage 4) and further direct the 3rd respondent University to give promotion to the petitioner forthwith as Professor with effect from 26.11.2017 in terms of the University letter dated 15.2.2018 with all attendant benefits including seniority and arrears of salary and allowances (W.P.No.7030 of 2023).

For Petitioners in all the WPs	:	Mr.P.Godson Swaminath for M/s.Isaac Chambers
For R1 & R2 in all the WPs	:	Mr.Surendran, AGP
For R3 in all the WPs	:	Mr.Avinash Wadhwani, Standing Counsel
For R4 in all the WPs	:	Mr.B.Rabu Manohar, Standing Counsel

COMMON ORDER

The issue involved in all these writ petitions is common and therefore, the writ petitions are taken up together, heard and disposed



WP.No.2302 of 2023
etc. cases

of by this common order.

2. The petitioners in these writ petitions are challenging the impugned resolutions of the Selection Committee in so far as they relate to denial of promotion to the petitioners to the respective post is concerned and for a further direction to the third respondent - University to grant promotion to the petitioners to the respective post, to which, they are entitled, with all attendant benefits.

3. The particulars of the respective petitioner, the posts held by them and the promotion posts, to which, the claim has been rejected, are tabulated as follows :

S. No.	Name	W.P. No.	Assistant Professor	Assistant Professor Stage -2	Assistant Professor Stage - 3	Assistant Professor Stage - 4	Professor Stage - 5
1	Dr.C.Valliyammai	2303 of 2023	27.1.2023	28.1.2008	28.1.2012	28.1.2015	28.1.2018 denied
2	Dr.S.Jayalakshmi	2309 of 2023	01.2.2008	01.2.2008	01.2.2012	01.2.2015	01.2.2018 denied
3	Dr.V.Ponmalar	2312 of 2023	03.1.2005	18.1.2010	01.1.2014	26.11.2014	26.11.2017 denied
4	Dr.P.Uma Maheswari	2315 of 2023	-	-	-	10.12.2014 (direct recruitment)	10.12.2017 denied
5	Dr.A.Merline Sheela	2318 of 2023	13.8.2004	13.8.2008	13.8.2013	11.12.2016 denied	13.8.2019 denied
6	Dr.M.R.Swaminathan	6935 of 2023	13.2.2005	13.12.2007	13.12.2011	13.12.2014	13.12.2017 denied
7	Dr.A.Gnanavel Babu	6940 of	-	-	-	27.8.2014 (direct	27.8.2017 denied



WP.No.2302 of 2023
etc. cases

S. No.	Name	W.P. No.	Assistant Professor	Assistant Professor Stage -2	Assistant Professor Stage - 3	Assistant Professor Stage - 4	Professor Stage - 5
		2023				recruitment)	
8	Dr.G.B.Bhaskar	6944 of 2023	-	-	-	28.11.2014 (direct recruitment)	28.11.2017 denied
9	Dr.M.Manikandan	6948 of 2023	-	-	-	20.8.2014 (direct recruitment)	19.8.2015 denied
10	Dr.T.Mala	7030 of 2023	16.6.2003	08.7.2009	08.7.2013	26.11.2014	26.11.2017 denied

4. Except the petitioner in W.P.No.2318 of 2023, all the other petitioners were working as Associate Professors. The petitioner in W.P.No.2318 of 2023 was working as an Assistant Professor.

5. The case of the petitioners is that except the petitioner in W.P.No.2318 of 2023, all of them were eligible to be promoted as Professors since they satisfy the eligibility norms prescribed by the All India Council for Technical Education (AICTE), the State Government and the Anna University. In so far as the petitioner in W.P.No.2318 of 2023 is concerned, she stated that she is eligible to be promoted as Associate Professor with effect from 11.12.2016 since she satisfies all the eligibility norms prescribed under the relevant Regulations.

6. The grievance of the petitioners is that the Selection Committee adopted a wrong procedure in the process of assessment



*WP.No.2302 of 2023
etc. cases*

of the petitioners under the heads 'contribution to research' and 'domain knowledge and teaching practices' and granted only lesser marks without even mentioning as to how they arrived at such lower marks. In view of the same, the petitioners questioned the entire process of assessment of merit and the procedure followed. The petitioners took a stand that the entire selection is vitiated. Their further stand is that even while assessing the performance of the petitioners towards the heads 'contribution to research' and 'domain knowledge', such assessment was made in the form of interview, which runs contrary to the procedure prescribed under the relevant Regulations.

7. The third respondent - University filed a common counter affidavit in all the writ petitions except W.P.No.2318 of 2023. Further, a separate counter has been filed in so far as the petitioner in W.P.No. 2318 of 2023 is concerned. The third respondent - University took a stand that they are bound by the Notification dated 08.11.2012 issued by the AICTEC, which fixed the norms to be followed in relation to Career Advancement Scheme (CAS) and that the Selection Committee was constituted by the University only in conformity with Clause 5.2 of the said Notification.



WP.No.2302 of 2023
etc. cases

WEB COPY

8. It has been further stated in the counters filed by the third respondent - University that the said Notification itself requires certain Academic Performance Indicators (API) to be considered during career advancement promotions, that the candidates are required to score a minimum of 50 out of the total of 100 marks in the expert assessment to be eligible for promotion under the scheme, that as per the said Notification, 50% is to be allotted for domain knowledge and teaching practices; 30% for contribution to research; and 20% for performance in the interview. It has also been stated in the counters that none of the petitioners scored the minimum of 50 marks and that therefore, their names were not recommended for promotion.

9. The reasons assigned for the non selection of the petitioners in all the writ petitions except W.P.No.2318 of 2023 have been tabulated in the common counter. For better appreciation, the same are extracted as hereunder :

S. No.	W.P. Number	Name of the petitioner	Remarks	Marks
1	2302 of 2023	Dr.C.Valliyammai	Her performance in the interview and in the presentation is not up to mark. Hence, not recommended.	44
2	2309 of 2023	Dr.S.Jayalakshmi	Not up to the mark to qualify to become Professor at Anna University based on performance and presentation and interview.	44.82
3	2312 of 2023	Dr.V.Ponmalar	Not up to the mark to qualify to become Professor at Anna University based on performance and presentation and interview.	39.15
4	2315 of 2023	Dr.P.Uma Maheswari	Performance in the interview not up to the mark. Fundamentals are weak. Quality of	42



WP.No.2302 of 2023
etc. cases

S. No.	W.P. Number	Name of the petitioner	Remarks	Marks
			<i>presentation to be improved.</i>	
5	6935 of 2023	Dr.M.R.Swaminathan	<i>Contribution towards research is not up to the mark. His performance in the interview is poor.</i>	43
6	6940 of 2023	Dr.A.Gnanavel Babu	<i>Quality of the publication is not up to the mark. Not contributed significantly in anyone area.</i>	44
7	6944 of 2023	Dr.G.B.Bhaskar	<i>Publications and performance are not up to the mark.</i>	43
8	6948 of 2023	Dr.M.Manikandan	<i>His performance in the interview is not up to the mark. His contribution to research is not up to the mark.</i>	43
9	7030 of 2023	Dr.T.Mala	<i>Her performance in the interview and the presentation was not up to the mark.</i>	44

10. In so far as the petitioner in W.P.No.2318 of 2023 is concerned, in the relevant counter, the reasons assigned for non selection are as follows :

S. No.	W.P. Number	Name of the petitioner	Reasons for non selection	Marks obtained in the interview
1	2318 of 2023	Dr.A.Merline Sheela	<i>Her performance was not up to the mark to qualify to become Associate Professor at Anna University based on the performance in the presentation and interview.</i>	33.42

11. In the counters, the third respondent - University took a stand that the Selection Committee is not bound by the marks awarded by the Screening Committee, that the claim made by each of the petitioners was individually assessed as per the AICTE Notification of the year 2012 and only thereafter, the marks were assigned. In respect of the marks that were assigned under the heads 'domain



*WP.No.2302 of 2023
etc. cases*

knowledge and teaching practices' and 'contribution to research', it has been made clear that they were not based on the interview and that the marks were assigned only after individual assessment of the materials that were submitted by each of the petitioners.

12. Thus, the third respondent - University took a further stand that the marks allotted for interview alone were based on the performance in the interview and that the other marks pertained to individual assessment based on the materials placed by each of the petitioners. The third respondent ultimately sought for dismissal of these writ petitions.

13. Heard the leaned counsel appearing on behalf of the petitioners, the learned Additional Government Pleader appearing for respondents 1 and 2 and the respective Standing Counsel appearing for respondents 3 and 4.

14. The Notification of the AICTE dated 08.11.2012 gives a procedure to be adopted while dealing with the CAS, under which, promotions are sought for. The petitioner in W.P.No.2318 of 2023 was working as the Assistant Professor, who sought for promotion to the



*WP.No.2302 of 2023
etc. cases*

post of Associate Professor. In so far as the other petitioners are concerned, they were working as the Associate Professors, who sought for promotion to the post of Professor.

15. The composition of the Selection Committee is dealt with in Clauses 5.2 and 5.3 of the AICTE Notification of the year 2012. There is no complaint as to the constitution of the Committee and hence, it is not necessary for this Court to delve into this issue. As per Appendix-1 of the AICTE Notification of the year 2012, the APIs to be considered during career advancement promotions are as follows :

- (i) teaching, learning and evaluation related activities;
- (ii) co-curricular extension and professional development related activities; and
- (iii) research and academic related contributions.

Table-II(A) provides for the minimum APIs to be scored for promotion. The same is divided into six stages. For stages 1 - 2 and 2 -3, it involves self assessment by the respective candidate and it goes before the Screening Committee. The Screening Committee does not get into the merits and it merely scrutinizes the materials submitted by the respective candidate.



*WP.No.2302 of 2023
etc. cases*

WEB COPY

16. The Selection Committee gets into the scene at stages 3-4 and 4-5. That is the stage where the Selection Committee must independently deal with the assessment under the heads 'contribution to research' and 'domain knowledge and teaching practices' and the performance in the interview. The last and sixth stage is handled by the Expert Committee.

17. The specific case of the petitioners is that while dealing with the assessment under the heads 'contribution to research' and 'domain knowledge and teaching practices', there are various sub-classifications available under the CAS of the Anna University dated 15.2.2018. According to them, the marks are to be allotted to each sub-classification and the total will be arrived at under the heads 'contribution to research' and 'domain knowledge and teaching practices'. The first two stages involve a self assessment where the candidate fixes the mark based on their assessment.

18. The Screening Committee does not involve in the process of assessment and awarding of marks and it merely scrutinizes the materials. The self assessment marks along with the materials would be placed before the Selection Committee. However, the Selection



*WP.No.2302 of 2023
etc. cases*

Committee is not bound by the self assessment marks and they are supposed to individually assess the materials placed by each of the candidates and grant marks towards assessment under the heads 'contribution to research' and 'domain knowledge and teaching practices'. The marks that are allotted under these two heads are not based on the performance in the interview. They are based only on the materials placed by each candidate, which have to be assessed in accordance with the relevant Regulations.

19. The proceedings placed before this Court would also show that the marks that were allotted by the third respondent - University under the heads 'contribution to research' and 'domain knowledge and teaching practices' were not based on the performance in the interview. They were only based on the assessment of materials that were placed by each of the petitioners.

20. The learned counsel appearing on behalf of the petitioners submitted that there are various sub-classifications provided under each head whereas there is no indication as to how the Selection Committee allotted the total marks under the heads 'contribution to research' and 'domain knowledge and teaching practices' and that



*WP.No.2302 of 2023
etc. cases*

therefore, the marks allotted under these two heads have been put to question.

21. In the considered view of this Court, the various sub-classifications that have been provided in the CAS of the third respondent - University give an indication as to the information, which must be provided by the applicant under various heads and their self assessment regarding the same. There is no requirement for the Selection Committee to give a separate set of marks under each sub-classification while determining the total marks scored by the candidates individually under those two heads.

22. This Court must keep in mind the fact that the Selection Committee involves experts. Hence, this Court cannot go into the total marks that were granted by the Selection Committee for each of the petitioners under the heads 'contribution to research' and 'domain knowledge and teaching practices'. This Court must only see if a proper procedure has been followed as per the Regulations of the AICTE. If the procedure has been properly followed, this Court cannot sit over the marks awarded by the Selection Committee, which consists of experts.



*WP.No.2302 of 2023
etc. cases*

WEB COPY

23. The main grievance expressed by the petitioners is that the marks under the heads 'contribution to research' and 'domain knowledge and teaching practices' were also allotted based on the performance in the interview.

24. This stand taken by the petitioners has been specifically denied by the third respondent - University in the counter affidavits wherein the clear stand taken is that the process of assessment by the Selection Committee was done only in accordance with the AICTE Notification of the year 2012. Just because the Selection Committee mentioned certain reasons for not recommending the names of the petitioners for promotion, that, by itself, does not mean that the Selection Committee did not assign the marks under the heads 'contribution to research' and 'domain knowledge and teaching practices' independently.

25. There is no reason to discard the stand taken in the counter affidavits to the effect that the Committee Members made individual assessments based on the materials produced by each of the petitioners. Further, there is no reason for the Selection Committee to be biased or prejudiced against the petitioners and therefore, the



WP.No.2302 of 2023
etc. cases

stand taken by the Selection Committee must be given some weightage and it cannot be discarded on any assumptions or surmises.

26. In support of the claim made by the petitioners, the learned counsel appearing on behalf of the petitioners relied upon a common order passed by a learned Single Judge this Court in the case of ***Dr.Ganapathi Malarvizhi Vs. State of Tamil Nadu [W.P.No. 30069 of 2019 etc. cases dated 19.3.2021]***.

27. The said order of the learned Single Judge of this Court is not applicable to the facts of the present case. That was a case where the very same University was prescribing additional qualification apart from the qualifications prescribed by the AICTE Notification while prescribing the API score. The learned Single Judge of this Court held that the University is bound to uniformly follow the AICTE Notification and that where the selection is not done in accordance with the procedure and where there is a wide discrepancy in the performance evaluation by the Committee as between the departments without fixing a particular benchmark, the Court can always interfere with such decisions taken by the Selection Committee.



*WP.No.2302 of 2023
etc. cases*

WEB COPY

28. In the case in hand, it does not involve any additional qualification prescribed by the third respondent - University. The only issue in the instant case is as to whether the Selection Committee followed the proper procedure in the assessment of candidates under the CAS. Therefore, the said common order dated 19.3.2021 relied upon by the learned counsel appearing on behalf of the petitioners will not come to the aid of the petitioners.

29. Based on the reply received from the third respondent - University and referring to the Regulations of the University Grants Commission (UGC) dated 13.6.2013, the learned counsel appearing on behalf of the petitioners submitted that the Regulations of the UGC were not adopted by the AICTE and that therefore, the same cannot be followed by the third respondent - University.

30. In reply to the above submission, the learned Standing Counsel appearing for the third respondent - University submitted that the assessment was done only in accordance with the AICTE Regulations of the year 2012 and that the Regulations of the UGC of the year 2013 were not adopted nor followed in the process of assessment.



WP.No.2302 of 2023
etc. cases

WEB COPY

31. In the light of the above discussions, this Court does not find any ground to interfere with the decision taken by the Selection Committee.

32. Accordingly, all the above writ petitions are dismissed. Consequently, the connected WMPs are also dismissed. No costs.

11.9.2024

To

- 1.The Secretary to Government of
Tamil Nadu, Department of
Higher Education, Fort St.George,
Chennai-9.
- 2.The Director of Technical Education,
DOTE Campus, Chennai-25.
- 3.The Registrar, Anna University,
Guindy, Chennai-25.
- 4.The Chairman, All Indian Council
for Technical Education, ,
7th Floor, Chanderlok Building,
Janpath, New Delhi-11.

RS



WEB COPY



*WP.No.2302 of 2023
etc. cases*

N.ANAND VENKATESH,J

RS

WP.Nos.2302, 2309, 2312, 2315,
2318, 6935, 6940, 6944, 6948 &
7030 of 2023 & all connected
pending WMPs

11.9.2024