



WP(MD)No.1460 to 1465 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 04.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

**WP(MD)No.1460 to 1465 of 2017
and
WMP(MD)Nos.1186 to 1191 of 2017,
2440,2441, 2451,2478,2480,2482 of and 2018**

SP.Sitharthan	...Petitioner in WP(MD)No.1460 of 2017
PR.Andiappan	...Petitioner in WP(MD)No.1461 of 2017
R.Veluchamy	...Petitioner in WP(MD)No.1462 of 2017
S.Mohamed Abdu Nazar	...Petitioner in WP(MD)No.1463 of 2017
N.Mariyappan	...Petitioner in WP(MD)No.1464 of 2017
SP.Alagappan	...Petitioner in WP(MD)No.1465 of 2017

Vs

1.The Principal Secretary (Higher Education),
Government of Tamil Nadu,
Fort St.George,
Chennai – 600 009.

2.The Commissioner / Director,
Directorate of Technical Education,
Guindy, Chennai – 600 025.

3.The Principal,
Annamalai Polytechnic College,
Chettinad, Sivagangai District.

...Respondents

COMMON PRAYER: Writ Petitions filed under Article 226 of the
Constitution of India for issuance of a writ of certiorari to call for the



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records relating to the impugned order in APC/A3/2016, dated 23.01.2017 and 344/A3/2017, dated 25.01.2017 on the file of the 3rd respondent and quash the same.

For Petitioner : Mr.N.Tamil Mani
in WP(MD)Nos.1460,1461,1462,1464,
& 1465 of 2017
: Mr.C.Venkatesh Kumar
in WP(MD)No.1463 of 2017
For Respondent : Mr.Veerakathiravan,
Nos.1 & 2 Addl.Advocate General
Assisted by Mr.P.T.Thiraviyam
Government Advocate
For Respondent : Mr.K.Prabakar
No.3

ORDER

The petitioners are the retired Head of the Departments in the 3rd respondent polytechnic college. The 3rd respondent college is an aided institution. It has revised the scale of pay of these petitioners in the year 2007 based on the Government Order in G.O.Ms.No.111 Higher Education Department dated 25.05.2010, which has been passed based on the recommendation of the All India Council for Technical Education [AICTE]. AICTE vide its notifications dated 22.01.2010 and 05.03.2010 revised the scale of pay and allowances to the teachers of polytechnic colleges governed by the AICTE. This revision of scale of pay was considered by the



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government vide GO.Ms.No.111, dated 25.05.2010 extended the benefits to the teachers and equivalent cadres in government and government aided colleges in the State of Tamil Nadu. While so, the Local Fund Auditing Department conducted an inspection on 01.01.2006 and has raised objections that the petitioners have not completed their refresher course as mandated in G.O.Ms.No.111, dated 25.05.2010. As per clause - xvi of the Appendix – I of the said government order, the teachers have to complete the refresher programme conducted by the AICTE and by the state government for claiming revised scale of pay.

2.The petitioners claim that they have completed the refresher course subsequent to this government order. However the Local Fund Auditing Department has raised an objection that the persons must complete the refresher course before 01.01.2006. Further clarification was also issued by the government vide G.O.Ms.No.58 Higher Education Department, dated 21.03.2018 and by this government order an evaluation committee and selection committee was constituted. This committee was entrusted to ensure that the government orders are implemented in consonance with AICTE regulations and a circular was also issued by the Commissioner of Technical Education that the revised scale of pay have to be implemented



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only after obtaining the approval from the Commissioner. In this context, the revision of scale of pay provided to these petitioners were revised by the order impugned in these writ petitions and recovery orders have also been passed. The main contention of the petitioners is that this revision of scale of pay and the recovery orders were issued based on the report of the Local Fund Auditing Department without providing opportunity to hearing to the petitioners.

2.In similar such writ petitions filed before this Court in WP(MD)Nos.1661 of 2019, etc., batch, this Court by order dated 10.03.2022 by considering the subsequent government order in GO.Ms.No. 58 Higher Education Department, dated 21.03.2018 has permitted the petitioners therein to appear before the screening committee constituted vide GO.Ms.No.58 dated 21.03.2018 and to put forth their case on the eligibility of revision of scale of pay and the date on which the revision of scale of pay can be implemented. The relevant paragraphs of the orders are extracted as under:

“42. This being the factum,

The orders impugned in the Batch-I writ petitions



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are directed to be kept in abeyance till such time the Committee takes a decision after affording due opportunity to all the petitioners in Batch-I writ petitions and orders are passed by the Authority competent.

The petitioners in Batch-I writ petitions are at liberty to send their service particulars, objections and documents establishing their eligibility through online to the Commissioner of Technical Education, who is the Chairman of the Committee. Even if the petitioners have chosen to appear before the Screening Committee in person, they are at liberty to appear before the Committee for representing their case from 21.03.2022 to 23.03.2022 between 11.00 a.m. and 05.00 p.m.

Thereafter, the Authority Competent shall consider the same in consonance with the Scheme and pass orders on merits and in accordance with law, as expeditiously as possible.”

3.In view of the above, these writ petitions are disposed of in the above terms as directed in WP(MD)Nos.1661 of 2019 etc., batch, order dated 10.03.2022.



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4.The learned Counsel for the petitioners have prayed for a direction to the screening committee to complete this exercise within a reasonable time. The Screening Committee shall try to complete this exercise as expeditiously as possible. Till then the impugned orders shall be kept in abeyance with liberty to the petitioner to raise objections before the screening committee. No costs. Consequently connected miscellaneous petitions are closed.

04.11.2024

Internet : Yes / No

Index : Yes / No

DSK

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B.PUGALENDHI.J.,

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