



W.P.No.762 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.01.2025

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.762 of 2025
and
W.M.P.No.928 of 2025

Dr.P.V. Prabhakaran

...Petitioner

Vs

1. The Vice-Chairman-cum-Secretary to Govt. (Art & Culture)
Government of Puducherry,
Puducherry.

2. Bharathiar Palkalaikoodam,
Represented by its Member Secretary,
Cuddalore Main Road, Ariyankuppam,
Puducherry.

3. All India Counsel for Technical Education,
represented by its Chairman/Advisor – 1,
7th Floor, Chandrlok Building,
Janpath, New Delhi – 100 011.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to grant higher Academic Grade Pay (AGP) to the petitioner, as per All India Council for Technical Education (Pay Scales, Service Conditions and



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Minimum Qualifications for the Teacher and other Academic Staff) in Technical Institutions (Degree) Regulation, 2010 and also as per the approved minutes of the 25th Governing Body meeting of the second respondent in Resolution No.25.08. Dated 27.12.2016, within a time frame fixed by this Court and pass orders.

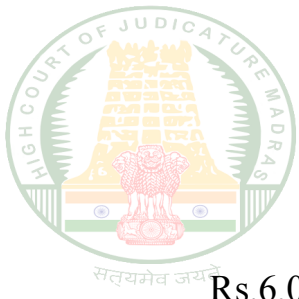
For Petitioner : Mr.Stalin Abhimanyu

For Respondents 1 & 2 : Mr.A.Tamil Vanan, AGP

ORDER

This petition is filed seeking to issue a Writ of Mandamus directing the first respondent to grant higher Academic Grade Pay (AGP) to the petitioner, as per All India Council for Technical Education (Pay Scales, Service Conditions and Minimum Qualifications for the Teacher and other Academic Staff) in Technical Institutions (Degree) Regulation, 2010 and also as per the approved minutes of the 25th Governing Body meeting of the second respondent in Resolution No.25.08. Dated 27.12.2016, within a time frame fixed by this Court and pass orders.

2.The case of the petitioner is that he is working as Assistant Professor in Theory of Arts in Bharathiyar Palkalai Koodam, Puducherry and receiving the pay Band II of Rs.15,600-39,100 in addition of



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Rs.6,000/- w.e.f 01.10.2012. The petitioner is a Doctoral Degree holder and had become eligible to be considered for the grant of AGP of Rs.7,000/- in the Pay Band II of Rs.15,600-39,100 on completion of 4 years from the date of his regularization w.e.f 01.10.2016. As such on completion of further 5 years of service in the AGP of Rs.7,000/- become eligible to be considered for the grant of Rs.8,000/- w.e.f 01.12.2021 and on completion of 03 years further service in the AGP of Rs.8,000/- become eligible to be considered for the grant of AGP of Rs.9,000/- in the pay Band II of Rs.37,400-67,000 w.e.f from 01.10.2024. However, the same was not paid to the petitioner, due to which he has given a representation to the respondents on 25.10.2024 and the same was not considered till date, which has given rise to this petition.

3. The learned counsel for the petitioner submitted that the respondent have not adopted the All India Council for Technical Education (Pay Scales, Service Conditions and Minimum Qualifications for the Teacher and other Academic Staff) in Technical Institutions (Degree) Regulation, 2010 and also the approved minutes of the 25th Governing Body meeting of the second respondent in Resolution



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No.25.08. Dated 27.12.2016 for fixation of pay. Hence, the petitioner has given a representation to the first respondent on 25.10.2024 and the same was not considered. Hence, prays to allow this petition.

4.The learned Additional Government Pleader appearing for the respondents submits that they will consider the case of the petitioner on merits and in accordance with law.

5. Heard both sides and perused the materials available on record.

6. On a perusal of records it is just and necessary to go through the All India Council for Technical Education (Pay Scales, Service Conditions and Minimum Qualifications for the Teacher and other Academic Staff) in Technical Institutions (Degree) Regulation, 2010 and the approved minutes of the 25th Governing Body meeting of the second respondent in Resolution No.25.08. The relevant portion of All India Council for Technical Education (Pay Scales, Service Conditions and Minimum Qualifications for the Teacher and other Academic Staff) in Technical Institutions (Degree) Regulation, 2010 is extracted hereunder:

(a) *Assistant Professor/Associate*



Professors/Professors In Technical institutions:

(i) Persons entering the teaching profession in Technical Institutions shall be designated as Assistant Professors and shall be placed in the Pay Bank of Rs.15,600-39,100 with AGP of Rs.60,000. Lecturers already in Service in the pre-revised scal of Rs.8,000-13,500, shall be re-designated as Assistant Professors with the said AGP of Rs.6,000/-

(ii) An Assistant Professor with completed service of 4 years , possessing Ph.D. Degree in the relevant branch/discipline shall be eligible for moving up to AGP of Rs.7,000/-.

(iii) Assistant Professors possessing Master's degree in the relevant branch/discipline as defined for technical education shall be eligible for the AGP of Rs.7,000 after completion of 5 years service as Assistant Professor.

(iv) The upward movement from AGP of Rs.6,000 to AGP of Rs.7,000 for all Assistant Professors shall be subject to their satisfying other conditions as laid down by AICTE.

(v) The upward movement from AGP of Rs.6,000 to AGP of Rs.7,000 for all Assistant Professors shall be subject to their satisfying other conditions as laid down by AICTE.

(vi) The pay of the incumbents to the posts of Lecturer (senior scale) I.i.e the pre-revised scale of Rs.10,000-15,200) shall be re-designated as Assistant Professor and shall be fixed at the appropriate stage in Pay Bank of Rs.15,600-39,100 based on their present pay, with AGP of Rs.7,000.

(vii) Assistant Professor with completed service of 5 years at the AGP of Rs.7,000 shall be eligible subject to other requirements laid down by the AICTE, to move up to the AGP of Rs.8,000/- .

(xii) Assistant Professors completing 3 years of teaching in the AGP of Rs.8,000/- shall be eligible subject to other conditions that may be prescribed by AICTE as



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applicable, to move to the Pay Bank of Rs.37,400/-- 67,000/- with AGP of Rs.9,000/- and to be designated as Associate Professor.

(xiii) Associate Professor completing 3 years of service in AGP of Rs.9,000/- and possessing a Ph.D. Degree in the relevant discipline shall be eligible to be appointed and designated as Professor, subject to other conditions of academic performance as laid down by the AICTE. No teacher other than those with a Ph.D shall be promoted, appointed or designated as Professor. The pay Band for the post of Professors shall be Rs.37,400/-- Rs.67,000/- with AGP of Rs.10,000/-

7. The relevant portion of minutes of the 25th Governing Body meeting of the second respondent in Resolution No.25.08.0 Stages of promotion under Career-Advancement Scheme to the Assistant Professors and Librarian of BPK is extracted hereunder:

The Governing Body approved the proposal of Career Advancement scheme to the Assistant Professors and Librarian of BPK under CAS Scheme i.e stage 2 and stage 3 provided that they are assessed to fulfill the eligibility and performance criteria as laid down in the clause 6.3 of AICTE/UGC regulations. This will be applicable subject to production of Annual Assessment report for the Performance Based Appraisal System (APAS). Based on the criteria the Asst.Professors and Librarian working in BPK may also be considered for promotion under Career/Advancement Scheme as per AICTE/UGC norms

8. Two questions that arise for consideration in this writ



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petition is that whether the petitioner is eligible for the pay band as sought for and whether he fulfills all the eligibility criteria as per the AICTE norms. With regard to the first question the petitioner has completed 12 years from the date of initial appointment and three years in the AGP of Rs.8,000/- hence, he is eligible for AGP of Rs.9,000 w.e.f from 01.10.2024 and the same is applicable as per the All India Council for Technical Education (Pay Scales, Service Conditions and Minimum Qualifications for the Teacher and other Academic Staff) in Technical Institutions (Degree) Regulation, 2010 which is extracted above. With regard to the second question i.e eligibility the same is also satisfied by the petitioner as per the 25th Governing Body meeting minutes in 25.08.0 Stages of promotion under Career-Advancement Scheme to the Assistant Professors and Librarian of BPK which is also extracted above.

9. In view of the above facts it is made clear that necessarily the prayer made by the petitioner has to be considered. Hence, there shall be direction to the respondents to consider the representation of the petitioner and fix the pay as sought for and pass orders within a period of sixteen weeks from the date of receipt of a copy of this order.



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10. With the above directions this writ petition stands allowed.

No order as to costs. Consequently the connected miscellaneous petition is allowed.

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Index: Yes/No

Speaking order/Non-speaking order
smn

To.

1. The Vice-Chairman-cum-
Secretary to Govt. (Art & Culture)
Government of Puducherry,Puducherry.

2. Bharathiar Palkalaikoodam,
Represented by its Member Secretary,
Cuddalore Main Road, Ariyankuppam,Puducherry.

3. All India Counsel for Technical Education,
represented by its Chairman/Advisor – 1,
7th Floor, Chandrlok Building,
Janpath, New Delhi – 100 011.



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V.BHAVANI SUBBAROYAN,J.

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