



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2025

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THE HON'BLE Mr. JUSTICE **C.V.KARTHIKEYAN**

W.P.No.4517 of 2025

and

W.M.P.Nos.5034, 5038 and 5042 of 2025

Dr.G.Sivagurunathan

.. Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by the Principal Secretary to Government,
Higher Education Department,
Fort St. George,
Chennai – 600 009.

2.The Commissioner of Technical Education,
Directorate of Technical Education,
No.53, Sardar Patel Road,
Guindy, Chennai – 600 025.

3.The Principal,
Government Polytechnic College,
Udhagamandalam,
Nilgiris District – 643 006.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent in proceedings dated 23.05.2020 having



Ref.No.36694/B3/2019 and the consequential order of the 3rd respondent dated 07.09.2022 having Ref.No.1268/U/2019 and quash the same and consequently direct the 2nd and 3rd respondents to refix the salary of the petitioner with AGP 9000 with effect from 13.01.2012 without any deduction.

For Petitioner .. Ms.Nalini Chidambaram, Senior Counsel
For Ms.C.Uma

For Respondents .. Mr.C.Jayaprakash,
Additional Government Pleader

ORDER

This Writ Petition has been filed in the nature of a Certiorarified Mandamus seeking records of the 2nd respondent in proceedings dated 23.05.2020 and the consequential order of the 3rd respondent dated 07.09.2022 and quash both the said proceedings and the order and direct the 2nd and 3rd respondents to refix the salary of the petitioner with Academic Grade Pay (AGP) Rs.9,000/- with effect from 13.01.2012 without any deduction.



2.In the affidavit filed in support of the writ petition, it had been contended that the petitioner was initially appointed as Instructor on 03.12.1990 in Electrical and Electronics Engineering Branch at Government Polytechnic College, Ooty, and thereafter, his services had been regularized as Lecturer by G.O.Ms.No.334 dated 28.04.1995. The petitioner had sought regularization from the original date of appointment namely, from 03.12.1990. The service of the petitioner was upgraded as Senior Lecturer in Electrical and Electronics Engineering with effect from 13.01.2001. It had been stated that there would be different stages of AGP which would be payable for the teachers of Polytechnic Colleges governed by AICTE according to their designation. The 3rd respondent had determined the AGP at Rs.7,000/- to Senior Lecturers including the petitioner w.e.f., 01.01.2006. Thereafter, there was a further upgradation as Head of Department in Electrical and Electronics Engineering. The 3rd respondent had also passed necessary proceedings in that regard.

3.It had been stated that the 1st respondent had thereafter passed G.O.Ms.No.58, Higher Education (C2) Department dated 21.03.2018 for implementing the Career Advancement Scheme for Teachers and other



Academic Staff in Technical Institutions (Diploma) Regulations, 2012. It had been stated that Screening and Evaluation Committee had been formed to examine the credential of the teachers who were eligible for progression of AGP from 2006 – 2012 and 2012 – 2015. It had been contended that the petitioner had completed three years in the post of upgraded Head of Department even before 08.11.2012, and that therefore, the petitioner is entitled for AGP at Rs.9,000/- and not at Rs.7,000/-. In this connection, representations had been made, but the impugned order came to be passed seeking recovery of the amount paid to the petitioner.

4. On the side of the respondents, it is contended that several writ petitions had been filed on the same issue and a learned Single Judge of this Court by an order dated 06.03.2024 in ***W.P.No.7135 of 2020 Batch, S.Nagarajan Vs. Principal Secretary to Government, Higher Education Department*** had passed the following order:

“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



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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 governed under Regulations, 2010 r/w G.O.(Ms.)No.1081, dated 19.08.1989 and not G.O.(Ms).No.111, dated 25.05.2010.

43. The comparative statements in respect of each petitioner had been produced and the efforts taken in this regard by Mr.V.Arun, learned Additional Advocate General for the respondents 1 and 2 is appreciated. But the implementation of the CAS as per the above conclusions and issuing fresh orders by revisiting the orders under challenge after giving notice to the petitioners will be in the hands of the respondents. Hence the impugned orders are set aside and the respondents are directed to give notice to the petitioners within



a period of two (2) weeks from the date of receipt of the order, in order to enable them to submit their individual representations within a period of four (4) weeks and to consider the same with or without forming a selection committee and issue fresh orders in terms of the above conclusions within a period of twelve (12) weeks from the date of receiving the individual representations. Had there been any recovery of amount already made in pursuant to the impugned orders, the same shall be refunded within a period of two (2) weeks.

44. Since the Selection Committee is not contemplated in the earlier Government Orders or Regulations for sanctioning the CAS for those persons who do not fall under the operation of G.O.(Ms).No.111, dated 25.05.2010, the heads of the respective institutions themselves can sanction and pass orders. With the above observations, these Writ Petitions are disposed. No costs. Consequently, connected Miscellaneous Petitions are closed.”

5.It is contended that writ appeal had also been filed and is pending. Till the Division Bench renders judgment, it would only be appropriate that the directions of the learned Single Judge also accrues to the petitioner herein.



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6. In view of the reasonings given above, the impugned orders are set aside and the respondents are directed to issue notice to the petitioner within a period to two weeks from the date of receipt of a copy of this order and the petitioner may give his independent representation within a period of four further weeks and the same shall be considered with or without forming a Selection Committee and fresh orders should be passed within a period of three months from the date of receiving the representation. If there has been any recovery, the same shall be refunded within a period of two weeks.

7. With the above observations, this Writ Petition stands disposed of. No costs. Consequently, connected Writ Miscellaneous Petitions are closed.

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Index: Yes/No
Internet: Yes/No
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To

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C.V.KARTHIKEYAN,J.

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