



Writ Petition No.4270 of 2022

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 23/1/2025

C O R A M

THE HONOURABLE Mr.JUSTICE VIVEK KUMAR SINGH

Writ Petition No.4270 of 2022

a n d

W.M.P.Nos.4410 to 4412 of 2022

1. Dr.G.Senthil Kumar
Associate Professor
Department of Civil Engineering
Faculty of Engineering and Technology
Annamalai University
Annamalai Nagar
Chidambaram.
2. Dr.V.Srinivasan
Associate Professor
Department of Manufacturing Engineering
Faculty of Engineering and Technology
Annamalai University
Annamalai Nagar
Chidambaram.
3. Dr.S.Chidambaranathan
Associate Professor
Department of Manufacturing Engineering
Faculty of Engineering and Technology
Annamalai University
Annamalai Nagar
Chidambaram.



Writ Petition No.4270 of 2022

4. Dr.M.Balasubramanian

Associate Professor

Department of Computer Science and Engineering

Faculty of Engineering and Technology

Annamalai University

Annamalai Nagar

Chidambaram.

...

Petitioners

Vs

1. The State of Tamil Nadu

rep. By its Principal Secretary to Government

Higher Education Department

Secretariat, Fort St. George

Chennai 600 009.

2. The Registrar

Annamalai University

Annamalai Nagar

Chidambaram 608 002.

...

Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorarified mandamus to call for the records relating to the impugned order in Office Memorandum No.C-3/20526/2015 dated 21/10/2021 and the subsequent impugned order in Office Memorandum No.C-3/20526/2015 dated 7/12/2021 issued by the second respondent and to quash the same and consequently direct the respondents to confer Selection Grade in the post of Lecturer to the petitioners with effect from July 2009 with consequential re-designation as Associate Professor with effect from July 2012 as per UGC Regulations and



Writ Petition No.4270 of 2022

as per G.O.Ms.No.328 Higher Education (H1) Department dated 16/11/2017

WEB COPY

as well as promotion to the post of Professor with effect from July 2015 with all consequential and other attendant benefits.

For petitioner	...	Mr.G.R.Ramesh Prabbhu
For respondents	...	Mr.Jeevagiridharan Additional Government Pleader for R.1
		Mr.E.C.Ramesh for R.2

- - - - -

ORDER

This writ petition has been filed to quash the impugned Office Memorandum dated 21/10/2021 and 7/12/2021 issued by the second respondent and consequently direct the respondents to confer Selection Grade in the post of Lecturer to the petitioners with effect from July 2009 with consequential re-designation as Associate Professor with effect from July 2012 as per UGC Regulations and as per G.O.Ms.No.328 Higher Education (H1) Department dated 16/11/2017 as well as promotion to the post of Professor with effect from July 2015 with all consequential and other attendant benefits.

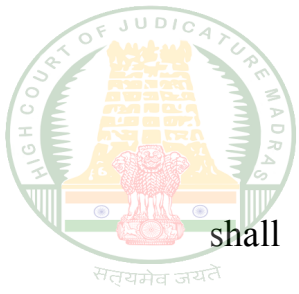


WEB COPY 2. The facts of the case in brief are as follows:-

All the petitioners were initially appointed as Lecturers in Annamalai University in July 1999, granted with Senior Scale in the post of Lecturer under V Commission as Lecturer (Senior Scale) in July 2004, are eligible for selection grade in the post of Lecturer on completion of 10 years of service in July 2009. The Lecturers completed 10 years of service upto June 2009 granted with Lecturer Selection Grade through Board of Selection, whereas, the Board of Selection was not convened for a further period to confer Selection Grade to the petitioners.

3. In the meantime, Government had issued orders in G.O.Ms.No.350 Higher Education Department dated 9/9/2009 for implementing revised pay scale with effect from 1/1/2006 as per which the post of Lecturer senior scale re-designated as Assistant Professor with AGP Rs.7,000/-.

4. Since the petitioners have been appointed in the year 1999 in the post of Lecturers, their promotions under Career Advance Scheme (CAS)



shall be governed by UGC Regulations, 2000. Subsequently, UGC Regulations have been amended in the year 2009 and UGC Regulation, 2009 has come into force with effect from 23/9/2009. However, it has been made clear in UGC Regulations 2009 that all promotions under CAS shall continue to be governed by UGC Regulations 2000, in case a candidate has become eligible for promotion on a date prior to 2009 Regulations (23/9/2009).

5. Accordingly, the petitioners are entitled for the post of Lecturer (Selection Grade) on completion of ten years in the month of July 2009 with AGP Rs.8,000/- for a period of three years and on completion of three years to be re-designated as Associate Professor in the pay band of Rs.37,400-67,000 with AGP Rs.9,000- with effect from July 2012, as per UGC Regulations as clarified in the UGC letter dated 4/8/2015 and consequent orders issued by State Government in G.O.Ms.No.328 dated 16/11/2017.

6. The persons who have reached Selection Grade prior to UGC Regulations 2009 upto June 2009 have been awarded as Lecturer (Selection Grade) till completion of three years and thereafter redesignated as Associate Professor in 2012 based on which they have been further



WEB COPY

promoted to the post of Professor in 2019 Board of Selection. The petitioners who reached Selection Grade in July 2009 prior to 23/9/2009 (UGC Regulations 2009) not granted with same benefits to which they are entitled for, as per the Government Order. Neither the said aspect has been considered, nor even dealt with by the second respondent while passing the impugned order. Being aggrieved, the petitioners have come with the instant writ petition praying for the relief as stated therein.

7. The Registrar, Annamalai University has filed counter affidavit wherein it is stated that the petitioners have been promoted as Associate Professor with retrospective effect, i.e., from July 2012. The petitioners were also informed that they will be moved to the next higher AGP of Rs.10,000/- i.e., Professor on completion of three years in the AGP of Rs.9,000/- and fulfilment of other conditions prescribed by the AICTE in the ensuing Career Advancement Scheme Promotion.

8. It is further stated in the counter affidavit that the claim of the petitioners designating them as Lecturer (Selection Grade) from July 2009 i.e., after implementation of G.O.(MS) No.350 Higher Education (H1) Department dated 9/9/2009 which is effective from 1/1/2006 is not tenable.



WEB COPY 9. Perused the materials available on record.

10. On an earlier occasion, a learned Single Bench of this Court in W.P.Nos.10211 of 2024 batch, (DR.M.VIJAY Vs. 1. THE VICE CHANCELLOR, ANNAMALAI UNIVERSITY, ANNAMALAI NAGAR, CHIDAMBARAM, CUDDALORE DISTRICT 608 002 AND ANOTHER), at paragraph No.8, it has been held thus:-

“8. As directed by the Hon'ble Division Bench of this Court, High Level Committee of Higher Education (H1) Department passed order dated 08.02.2024 thereby concluded that all the 2297 applications are found in violations of the guidelines of UGC and requested to restart the CAS process afresh and also directed to recover monetary benefits extended to the persons as per CAS promotion. In fact, High Level Committee report was challenged before this Court in batch of writ petitions and this Court by common order dated 14.03.2024, directed the respondents to issue notice to the private individuals and to give opportunity of hearing and to



WEB COPY

conduct CAS process afresh by following the guidelines. If they found any irregularities in that private individuals selection process to their respective posts and found ineligible, they are directed to issue appropriate orders to recover the monetary benefits extended to them in accordance with law. As far as the petitioners are concerned, they were not issued any notice so far as per the High Level Committee Report dated 08.02.2024. That apart, it is relevant to extract the relevant portion of the order passed by the Hon'ble Division Bench of this Court in WA.No.1807 of 2022, etc. batch hereunder:

“18. Further, the issue relating to participation in the selection process and thereafter, being estopped from challenging the same will not arise in the present case for the reason that the applications made by the CAS aspirants will indicate that they have to be considered for different promotional posts depending upon their eligibility; they had made



WEB COPY



Writ Petition No.4270 of 2022

more than one application, in cases, where, according to them, they were entitled for double promotion; and they did not make any undertaking that they are foregoing the next promotion by accepting one promotion offered to them. Therefore, the judgements relied upon by the respondent University in Rakesh Bakshi and another v. State of Jammu and Kashmir [Civil Appeal No. 235~236 of 2019 dated 22.01.2019], Ashok Kumar v. State of Bihar [2017 (4) Supreme Court Cases 357], Madras Institute of Development Studies and another v. K. Sivasubramaniyan and others, [(2016) 1 Supreme Court Cases 454], and Mukul Kumar Tyagi v. State of Uttar Pradesh and others [(2020) 4 Supreme Court Cases 86], do not deserve application to the present case. This is more so as the notification indicates that the applicant has to submit his or her application for simultaneous promotion to the post of Associate Professor as



WEB COPY



Writ Petition No.4270 of 2022

well as Professor under the CAS. As a matter of fact, on the basis of Clause 6.3.10 of the Regulations stating that candidates shall offer themselves for assessment of promotion, if they fulfil the minimum API scores indicated in the appropriate API system tables by submitting an application and the required PBAS proforma, the appellants had submitted separate simultaneous applications for promotion to the post of Associate Professor as well as to the post of Professor under the CAS. Therefore, the contention of the respondent University that since the appellants had participated in the process of evaluation for promotion under the career advancement scheme, they cannot now seek dual promotion, deserves to be rejected.

19. At this juncture, it is also pertinent to mention that unlike in the case of ordinary promotions, the issue of seniority is not



WEB COPY



Writ Petition No.4270 of 2022

interlinked to the promotions which are given to the faculty under the UGC career advancement scheme. As such, there would be no ensuing problem of seniority being either flouted or unsettled by granting of promotions to the teaching faculty on the basis of their eligibility under the UGC Regulations from a retrospective date from which they become eligible for the promotional post.

20. In view of the above analysis and reasoning, we hold that the appellants are entitled to dual/ double promotion as long as they fulfil the eligibility criteria as mentioned in the UGC Regulations, and they cannot be denied their right to be considered for promotion on account of the inaction or failure of the respondent University in conducting CAS promotions by constituting the Screening-cum-Evaluation Committee as required under the Regulations. In other words, it is made



WEB COPY



Writ Petition No.4270 of 2022

clear that the appellants did not work as Associate Professor for the required number of years, shall not stand in the way of their being promoted to the post of Professor, if the promotion to be given to them for the post of Associate Professor relates back to the date from which their service being counted, would make them eligible for the post of Professor or the next level promotional post.

21. In the result, all these writ appeals stand allowed. Consequently, the orders impugned herein as well as in the writ petitions are set aside. The respondent University is directed to consider the claim of the appellants seeking further promotion to the post of Professor under the CAS and pass necessary orders, within a period of three months from the date of receipt of a copy of this judgment. No costs. Consequently, connected miscellaneous petitions are closed.



Writ Petition No.4270 of 2022

11. In view of the above, the petitioners are also entitled for the same relief, as they are also standing on the same footing.

12. In the result, the writ petition is allowed and the orders impugned herein are set aside. The respondents are directed to place the petitioners as Professor with effect from the /date of eligibility along with all attendant benefits pursuant to the interview call letter within a period of twelve weeks from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petitions are closed.

23/1/2025

mvs.

Index: yes/No

Neutral Citation: Yes/No



Writ Petition No.4270 of 2022

WEB COPY To

1. The Principal Secretary to Government
State of Tamil Nadu
Higher Education Department
Secretariat, Fort St. George
Chennai 600 009.
2. The Registrar
Annamalai University
Annamalai Nagar
Chidambaram 608 002.



WEB COPY



Writ Petition No.4270 of 2022

VIVEK KUMAR SINGH,J

mvs.

W.P.No.4270 of 2022

23/1/2025