



W.P.No.9266 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 19.03.2025

CORAM

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

W.P.No.9266 of 2025

and

W.M.P.Nos.10390, 10392 & 10394 of 2025

N.Jagadeesan

.. 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,
Vanavasi, Mettur Taluk,
Salem District – 636 457.

4.The Assistant Treasury Officer,
Sub – Treasury Office,
Mettur Taluk,
Salem District – 636 401.

.. Respondents



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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 having Ref.No.36728/B3/2019, dated 23.05.2020 and the consequential proceedings of the 3rd respondent having Ref.No.0497/E1/2021 dated 07.07.2021 and quash the same and consequently direct the 2nd and 3rd respondents to fix the petitioner's scale of pay at AGP 8000 with effect from 17.02.2009 and AGP Rs.9000 on 17.02.2012 after the completion of 3 years in AGP of Rs.8000 as per G.O.Ms.No.1081 Education, dated 19.08.1989 and G.O.Ms.No.111, Higher Education (C2) Department, dated 25.05.2010.

For Petitioner : Ms.C.Uma
For Respondents : Mr.C.Jayaprakash,
1 to 3 Government Advocate

ORDER

This Writ Petition has been filed in the nature of a Certiorarified Mandamus calling for the records of the 2nd respondent having Ref.No.36728/B3/2019, dated 23.05.2020 and the consequential proceedings of the 3rd respondent having Ref.No.0497/E1/2021 dated 07.07.2021 and quash the same and consequently direct the 2nd and 3rd respondents to fix the petitioner's scale of pay at AGP 8000 with effect from 17.02.2009 and AGP Rs.9000 on 17.02.2012 after the completion of 3 years



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in AGP of Rs.8000 as per G.O.Ms.No.1081 Education, dated 19.08.1989
and G.O.Ms.No.111, Higher Education (C2) Department, dated 25.05.2010.

2.In the affidavit filed in support of the writ petition, it had been contended that the petitioner had been appointed as Instructor in the Bharathiyar Centenary Memorial Women's Polytechnic Ettayapuram in the Electronics and Communication Engineering Department on contract basis and later his services were regularized. He sought for regularization from the date of initial appointment, namely, from 11.12.1990. The services of the petitioner was upgraded as Senior Lecturer in Electronics and Communication Department and further upgraded as upgraded Senior Lecturer and also promoted as Head of the Department. The third 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 under the Technical Institutions (Diploma) Regulations,



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2012. It had been stated that a 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



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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 appeals had also been filed and are pending. Till the Division Bench renders judgment, it would only be appropriate that the directions of the learned Single Judge also enures 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. 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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C.V.KARTHIKEYAN,J.

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To

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