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IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 17.03.2025

CORAM

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

W.P.No.8430 of 2025

and

W.M.P.Nos.9560, 9563 & 9567 of 2025

P.Thenmozhi

.. Petitioner

Vs.

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

2.The Commissioner of Technical Education,
Directorate of Technical Education,
Sardar Patel Road, Guindy,
Chennai – 600 032.

3.The Principal,
Government Polytechnic College,
Avinashi Road, Civil Aerodrome Post,
Coimbatore – 641 014.

4.The Treasury Officer,
District Treasury Office,
Coimbatore – 641 018.

.. Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for records of the 2nd respondent having ref No. 36687/B3/2019-1 dated 11.06.2020 and proceedings of the 2nd respondent having Ref no. 32891/B1/2020 dated 18.01.2021 and the consequential proceedings of the 3rd respondent having Ref No. 1139/B1/2012 dated 29.07.2021 and quash the same and consequently direct the 2nd respondent to fix the petitioners 6th Pay Commission scale of pay at AGP Rs. 8000 as on 06.03.2009 and fix AGP Rs. 9000 as on 06.03.2012 on completion of 3 years in AGP of Rs.8000 as Per G.O. Ms No. 111, Higher Education (C2) Department dated 25.05.2010.

For Petitioner .. Mr.C.Uma

For R1 to R3 .. Mr.C.Jayaprakash,
Government Advocate

ORDER

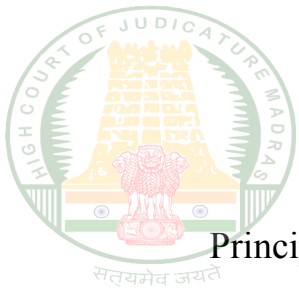
This Writ Petition has been filed in the nature of a Certiorarified Mandamus seeking records relating to the proceedings of the 2nd respondent dated 11.06.2020 and 18.01.2021 and of the consequential proceedings of the 3rd respondent dated 29.07.2021 and to quash all and direct the 2nd respondent to refix the scale of pay of the petitioner in accordance with the 6th Pay Commission.



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2. In the affidavit filed in support of the writ petition, it had been contended that the petitioner had been appointed as Instructor in Bharathiyar Centenary Memorial Women's Polytechnic, Ettayapuram, Tuticorin District in the Electronics and Communication Department w.e.f 20.12.1990. The petitioner was upgraded as Senior Lecturer in Electronic and Communication Engineering Department in Government Polytechnic College for Women, Coimbatore w.e.f 06.03.2001. It had been contended that the petitioner was further upgraded as Upgraded Senior Lecturer. The petitioner had completed eight years of service as Upgraded Senior Lecturer with M.E., qualification. It had been further stated that the pay had been refixed for the petitioner with reference to G.O.Ms.No.111, Higher Education (C2) Department dated 25.05.2010 and the option letter had given by the petitioner in January 2011. However, the petitioner had not been progressed to the academic grade pay. It was under those circumstances that the present writ petition has been filed.

3. The learned counsel for the petitioner stated that in W.P.No.4517 of 2025, Dr.Sivagurunathan Vs. The State of Tamil Nadu, Rep. by the



Principal Secretary to Government, Higher Education Department, Chennai

and 2 others, this Court by an order dated 12.02.2025 had placed reliance on an earlier judgment of a learned Single Judge in W.P.No.7135 of 2020 Batch, S.Nagarajan Vs. Principal Secretary to Government, Higher Education Department and had granted the relief. In W.P.No.4517 of 2025, this Court had ordered as follows:

*“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 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



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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



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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.

4.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.

5. Accordingly, 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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C.V.KARTHIKEYAN,J.

smv

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