



WEB COPY

W.P.No.9800 of 20--



IN THE HIGH COURT OF JUDICATURE AT MADRAS

ORDERS RESERVED ON : 28.01.2025

ORDERS PRONOUNCED ON : 04.04.2025

CORAM

THE HON'BLE MR. JUSTICE BATTU DEVANAND

W.P.No.9800 of 2019
and WMP.Nos.10404 of 2019 and 5990 of 2021

N.Gowthaman

... Petitioner

Vs.

1. The Government of Tamil Nadu,
Rep. by its Secretary to Government,
Law Department,
Fort St. George, Chennai 600 009.
2. The Director of Legal Studies,
Purasawalkam High Road,
Chennai 600 010.
3. The Principal,
Government Law College,
Tiruchirappalli.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent Director of Legal Studies with respect to letter dated 21.01.2019 vide RC.No.3510/A4/2011, quash the same and consequently direct the 2nd respondent to grant upgradation of Academic Grade Pay of Rs.8000/- to the petitioner.



WEB COPY

W.P.No.9800 of 20--



For Petitioner : Mr.G.Thyagarajan
for Mr.S.Sathiyamarayanan

For Respondents : Mr.D.Ravichander

ORDER

This Writ Petition has been filed seeking for Writ of Certiorarified Mandamus to quash the letter dated 21.01.2019 in RC.No.3510/A4/2011 of the second respondent Director of Legal Studies and consequently direct the second respondent to grant upgradation of Academic Grade Pay of Rs.8000/- and allowances as applicable to the petitioner.

2. It is the case of the petitioner that he completed post graduation in Crime and Torts in the year 2007 and applied for the post of Lecturer. The petitioner provisionally got selected to the post of Lecturer (Senior Scale) in the pay scale of PB Rs.10,000-325-15,200 through the Teachers Recruitment Board by direct recruitment. The petitioner was temporarily appointed to the said post vide G.O.(Ms).No.422, Law (LS) Department, dated 09.07.2012 and he joined the post of Lecturer (Senior Scale) in the Government Law College, Chengalpattu on 13.07.2012. Subsequently, he



W.P.No.9800 of 20--

was transferred to Government Law College, Trichy. On 12.07.2017, he

completed 5 years of service. At present, the petitioner is working as an

Assistant Professor in the Government Law College, Chengalpattu.

3.The petitioner has been regular in service from 2012 to till date and he had completed refresher courses also and other requisites as per UGC norms. In spite of the same, the petitioner is deprived of granting with Academic Grade Pay from Rs.7,000/- to Rs.8,000/- even after completion of 5 years of regular service and his request for promotion was also not considered, however the same have been granted to his colleagues. Therefore, the petitioner gave a representation to the second respondent on 30.08.2017 and a reminder on 16.03.2018, but there was no response. Hence, the petitioner filed W.P.No.27428 of 2018, wherein this Court by order dated 22.10.2018 directed the respondents to consider the representation of the petitioner. Based on the said order, the second respondent passed the impugned order dated 21.01.2019. Challenging the same, the present Writ Petition has been filed.



WEB COPY

4. The second respondent has filed a counter affidavit stating that the petitioner earlier filed a Writ Petition in W.P.No.27428 of 2018 seeking enhancement of grade pay, which was disposed of by this Court by directing the respondents to consider the representation of the petitioner dated 30.08.2017. As per the order of this Court, dated 22.10.2018, the second respondent issued a letter dated 21.01.2019 informing the petitioner that after the regularization of the services of the Assistant Professors including the petitioner, necessary action will be taken by the Department to enhance his Academic Grade Pay from Rs.7,000/- to Rs.8,000/- as per the relevant Rules.

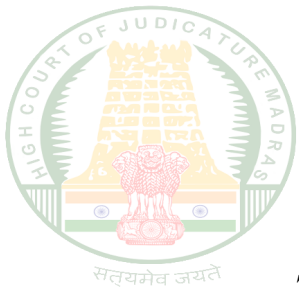
5. It is further stated that the Government took a decision to regularise the services of all the Assistant Professors including the petitioner herein, who were selected through the Teachers Recruitment Board in the first instance and fix their inter-se-seniority after the same is received from the Teachers Recruitment Board. Accordingly, the Government issued G.O.(Ms).No.230, Law (LS) Department, dated 04.11.2019, G.O.(Ms).No.231, Law (LS) Department, dated 04.11.2019 and



W.P.No.9800 of 20--

G.O.(Ms).No.232, Law (LS) Department, dated 04.11.2019 regularising the services of all the Assistant Professors who were selected through the Teachers Recruitment Board and appointed in the Government Law Colleges in the years 2009, 2012, 2015 and 2016 including the petitioner herein with effect from the date of their joining in the service.

6. It is further stated that consequent to the regularisation of the above mentioned Assistant Professors, the Principals of Government Law Colleges were addressed by the Director of Legal Studies in letters dated 11.11.2019 to furnish the service particulars, leave particulars and the Service Registers of the said Assistant Professors including the petitioner herein so as to issue necessary orders declaring their satisfactory completion of probation. The said particulars were received and the orders declaring the satisfactory completion of probation of the above mentioned Assistant Professors including the petitioner herein were issued in the proceedings dated 29.11.2019 issued by the Director of Legal Studies. Consequent to those orders, necessary action has been taken by the second respondent herein to enhance their academic grade pay from Rs.7,000/- to Rs.8,000/- including that of the petitioner.



WEB COPY

7. When the matter came up for hearing on 20.11.2024, this Court directed the respondents to file additional affidavit. As per the direction of this Court, the respondents 1 & 2 filed a counter affidavit dated 03.12.2024 stating that first respondent issued G.O.(Ms.) No.760, Law (LS) Department, dated 20.12.2023 constituting Screening-cum-Evaluation Committee for the purpose of assessing the suitability for awarding upward movement under the Career Advancement Scheme to the eligible Assistant Professors / Assistant Professors (Pre-Law) appointed in the years 2012, 2015 and 2016. The evaluation of the Assistant Professors was done by the Screening-cum-Evaluation Committee on 05.08.2024, 06.08.2024, 07.08.2024, 08.08.2024, 09.08.2024, 13.08.2024, 14.08.2024, 16.08.2024 and 19.08.2024 and submitted its recommendations regarding the sanction of Career Advancement. It is further stated that the recommendations of the Screening-cum-Evaluation Committee for the sanction of Career Advancement to the eligible Assistant Professors / Assistant Professors (Pre-law) including the petitioner herein have been submitted to the first respondent in letter Rc.No.2/A4/2020, dated 21.08.2024 by the 2nd respondent. In the said letter, it has been proposed to



WEB COPY

sanction Career Advancement to the petitioner herein from academic level 11 with nationalised entry pay of Rs.68,900 – 2,05,000/- (pre revised AGP 7000) to academic level 12 with nationalised entry pay of Rs.79,800 – 2,11,500/- (pre revised AGP 8000) and also as Associate Professor with academic level 13A with nationalised entry pay of Rs.1,31,400 – 2,17,100/- (pre-revised AGP 9000). It is further submitted that the Higher Education Department has agreed to the proposal. Finance Department has sought some additional particulars on 26.11.2024. Accordingly, the first respondent has called for remarks of the second respondent on 28.11.2024 in that regard. Once the approval of Finance Department is obtained by giving the additional particulars, further action will be taken to sanction Career Advancement to the Assistant Professors/Assistant Professors (Pre-Law).

8. On 24.01.2025, learned Special Government Pleader appearing for the respondents has placed a copy of the Government Order in G.O.(Ms.)No.01, Law (LS) Department, dated 06.01.2025 and submitted that the benefits sought in this Writ Petition have been extended to the petitioner. A copy of the said G.O. is placed on record.



WEB COPY

9. On perusal of the G.O.(Ms.)No.01, dated 06.01.2025, it appears that after careful examination of the proposal of the Director of Legal Studies and the recommendation of the Screening-cum-Evaluation Committee, the State Government has decided to grant upward movement to Assistant Professors and Assistant Professors (Pre-Law) in accordance with the orders issued in G.O.Ms.No.5, Higher Education (H1) Department, dated 11.01.2021. In view of the same, this Court is satisfied that the relief sought in this Writ Petition by the Writ Petitioner has been extended to the petitioner by this G.O.

10. At this stage, the learned counsel for the petitioner has raised objection for extending the monetary benefits from 01.08.2018.

11. The learned Special Government Pleader submits that the University Grants Commission (minimum qualifications for appointment of teachers and other academic staff in Universities and Colleges and measures for the maintenance of standards in Higher Education) Regulations 2018



W.P.No.9800 of 20--

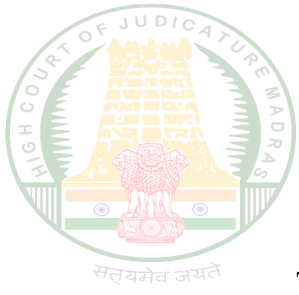
have been adopted by the State Government with effect from 01.04.2020 as per G.O.Ms.No.5, Higher Education (H1) Department, dated 11.01.2021.

WEB COPY

Hence, the date of extending monetary benefits to the petitioner is in accordance with the orders issued in G.O.Ms.No.5, Higher Education (H1) Department, dated 11.01.2021, and G.O.(Ms.)No.01, Law (LS) Department, dated 06.01.2025 is consequent to the said G.O.

12. In the present Writ Petition, G.O.Ms.No.5, Higher Education (H1) Department, dated 11.01.2021 is not under challenge. Under these circumstances, this Court is not inclined to enter into that issue. As the relief sought in this Writ Petition has been extended to the petitioner, this Court is of the considered view that no further adjudication on merits is required in this Writ Petition. Accordingly, this Writ Petition is disposed of.

13. However, it is open to the petitioner to take appropriate legal remedies if he is aggrieved with G.O.(Ms.)No.01, Law (LS) Department, dated 06.01.2025 or G.O.Ms.No.5, Higher Education (H1) Department, dated 11.01.2021, if so advised.



WEB COPY

W.P.No.9800 of 20--



There shall be no order as to costs.

Consequently, connected miscellaneous petitions are closed.

04.04.2025

Speaking/Non-speaking order
Index : Yes/No
Internet : Yes/No
pvs/CM

To

1. The Secretary to Government,
The Government of Tamil Nadu,
Law Department,
Fort St. George, Chennai 600 009.
2. The Director of Legal Studies,
Purasawalkam High Road,
Chennai 600 010.
3. The Principal,
Government Law College,
Tiruchirappalli.

10/11



WEB COPY



W.P.No.9800 of 20--

BATTU DEVANAND.J.,

pvs

**Pre-delivery order in
W.P.No.9800 of 2019
and WMP.Nos.10404 of 2019 and 5990 of 2021**

04.04.2025