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W.P.No.11705 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2025

CORAM

THE HONOURABLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.11705 of 2024

Dr.N.Thirunavukkarasu

..... Petitioner

Vs

1.State of Tamil Nadu ,
Rep by its Secretary,
Department of Higher Education,
Secretariat, Fort St. George,
Chennai-600 009.

2.The Registrar,
Bharathiar University,
Coimbatore- 641 046.

3.University Grant Commission (UGC)
Bahadur Shah Zafar Marg,
New Delhi-110 002.

..... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the 2nd respondent to grant promotion to the petitioner from Assistant Librarian Stage-1 to Assistant Librarian Stage-2 and Assistant Librarian Stage-2 to Assistant Librarian Stage-3 based on the petitioner's CAS applications dated 20.04.2017 19.02.2021, 19.03.2021 and to grant all consequential monetary benefits due to the petitioner.



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For Petitioner : Mrs.N.Kavitha Rameshwar
For R1 : Mr.V.Jeevagiridharan
Additional Government Pleader
For R2 : Mr.Calvin Jones
for M/s.Ajmal Associates
For R3 : Mrs.V.Sudha
Special Panel Counsel

ORDER

This Writ Petition has been filed seeking a direction to the second respondent to grant promotion to the petitioner from Assistant Librarian Stage-I to Stage-II and from Assistant Librarian Stage-II to Stage-III, under the Career Advancement Scheme of the petitioner.

2.Heard the learned counsel appearing on either side and perused the materials available on record.

3.The petitioner was appointed as Assistant Librarian on 06.01.2006 in the second respondent, which post is equivalent to the Assistant Professor in the University. As per the University Grant Commission norms and G.O.(Ms) No.350, dated 09.09.2009, Higher Education (H1) Department, the post of Assistant Librarian is treated as equivalent to the Assistant Professor. However, the petitioner's case was not considered due to audit objections on the ground that the post of Assistant Librarian is not equivalent to that of Assistant Professor.



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4.The very same issue has already been considered and decided by this Court in W.P.No.18551 of 2021. This Court, by an order dated 20.02.2024, allowed the writ petition and held as follows :

“6. Even as per the contention of the first respondent, similarly placed persons like the petitioner have already been allowed to be in service until 60 years by considering them as “Academic Non-Vacation Teaching Faculty” category. The technical aspects of not amending the statute in this regard could not stand in the way of extending the same benefit to the petitioner. Further, Regulation No.2.3.1 of UGC Regulations on Minimum Qualifications for Appointment of Teachers and Other Academic Staff in Universities and Colleges and Measures for the Maintenance of Standards in Higher Education, 2010, will be very much applicable to the first respondent University even if they have not chosen to amend their statute on par with the UGC Regulations. For the sake of clarity, the said regulation is extracted hereunder:

“ 2.3.1 The revised scales of pay and age of superannuation as provided in Clause 2.1.0 above, may also be extended to Universities, colleges and other higher educational institutions coming under the purview of the State Legislature and maintained by the State Governments, subject to the implementation of the scheme as a composite one in adherence of the terms and conditions laid down in the MHRD notifications provided as Appendix I



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and in the MHRD letter No.F.1-7/2010-U II dated 11 May, 2010 with all conditions specified by the UGC in these Regulations and other Guidelines.”

7. The first respondent University is maintained by the State Government and funded by UGC and hence even without any amendment to the special statute the regulation of UGC is very much applicable to the petitioner. However, the intention of the first respondent University is clear that it did not have any exception to the UGC Regulation which would treat the Assistant Librarian as “Academic Non-Vacation Teaching Faculty”.

5.In view of the above discussions, the second respondent is directed to grant promotion to the petitioner from the post of Assistant Librarian Stage-I to Stage-II and Assistant Librarian from Stage-II to Stage-III, under the Career Advancement Scheme, in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

6.With the above direction, this Writ Petition stands disposed of. No costs.

13.11.2025

Neutral citation :Yes/No
Index:Yes/No
Speaking/Non speaking
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To
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Department of Higher Education,
Secretariat, Fort St. George,
Chennai-600 009.

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G.K.ILANTHIRAIYAN, J.

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