



W.A.NO.898 of 2021 etc. batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 31.01.2025

PRONOUNCED ON: 01.04.2025

CORAM

THE HONOURABLE DR JUSTICE ANITA SUMANTH

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.A.Nos.898, 1162, 1163, 1380, 1567, 413, 1211, 1230, 1240 & 1265 of 2021 and W.A.Nos.1173, 1174, 1175, 1176, 1178, 1179, 1180, 1181, 1182, 1184, 1185, 1186, 1188, 1190, 1191, 1192, 1193, 1194, 1195 & 1189 of 2020 and W.A.Nos.2025, 2026, 2027 & 2028 of 2019 and W.P.Nos.2829, 6868 & 6870 of 2021 and W.P.(MD)No.20517 of 2021 and

CMP.Nos.14574, 14575, 14576, 14559, 14560, 14561, 14562, 14564, 14565, 14566, 14567, 14568, 14570, 14571, 14572, 14579, 14580, 14582, 14610 & 14578 of 2020 and CMP.Nos.13643, 13645, 13646, 13648, 13649, 13638, 13640 & 13642 of 2019 and CMP.Nos.1655, 5224, 7339, 7340, 7852, 7942 & 8064 of 2021 and CMP.Nos.20164 of 2023 and WMP.Nos.3164, 7419 & 7420 of 2021 and WMP(MD)No.17378 of 2021 and Cont.P.No.594 of 2021

W.P.No.898 of 2021:

1. S.Muthu Kumar

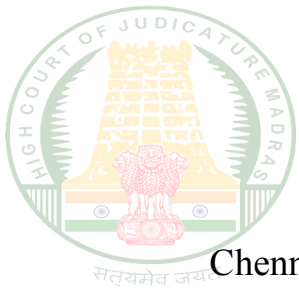
S/o. S. Shankar, No.9/47, Elango St, B. Dharmathupatti, Melachokkanathapuram Post, Bodinayakanur 625 582.

.... Appellant

Vs.

1. The Registrar

Anna University, Sardar Patel Road,



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2.The Dean

University College Of Engineering,
Anna University Constituent Col-
lege, Nagercoil.

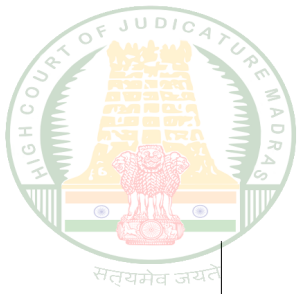
3.Teachers Recruitment Board
(TRB)

College Road, Egmore, Chennai. R3
Suo Motu Impleaded, vide Order of
Court Dated 21/01/2025 made in
WA.No.898 of 2021 Etc Batch.,
(ASMJ and GAMJ)

.... Respondents

Prayer in W.A.No.898 of 2021: APPEAL filed under Clause 15 of the Letters Patent to set aside the part of the common order dated 09.11.2020 in WP (MD) No.4887 of 2019 at Para 40, Para 49 and Para 51(c) which denies regularization/absorption of the Appellant as Assistant Professor in the Respondent University and allow the Writ Petition.

<i>Case Nos.</i>	<i>For Petitioner</i>	<i>For Respondents</i>
WA.Nos.1162, 1163, 1230, 1380, 1240. 1211, 413 & 898 of 2021	Ms.D.Geetha	Mr.Avinash Wadhwani (W.A.,Nos.1162, 1163, 1380, 1211 of 2021, R1, R2, R4, R6 in W.A.No.1230 of 2021, R1, R2 and R6 in W.A.No.1240 of 2021, R1 to R3 in W.A.No.413 of 2021 Mr.D.Ravichander, Special Government

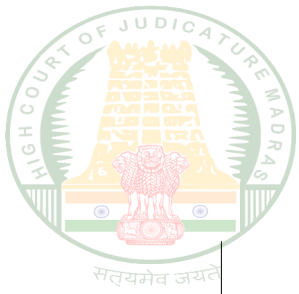


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		Pleader (W.A.No.898 of 2021, R3 in W.A.Nos.1230 and 1240 of 2021,) Mr.R.Neelakandan, Additional Advocate General, assisted by Mr.K.Sathish Kumar, learned Standing Counsel for TRB (W.A.No.898 of 2021) Mr.K.Srinivasamurthy for Mrs.V.Sudha, SPC – R5 in WA.No.1240 of 2021 Mr.K.Srinivasamurthy for Mr.B.Rabu Manohar, SPCCG for R4 in W.A.No.413 of 2021
WA.Nos.1178, 1179, 1184, 1195, 1188, 1189, 1190, 1192 & 1265 of 2020	Mr.Avinash Wadhwani	Ms.D.Geetha – R1 in W.A.Nos.1178, 1179, 1184, 1188, 1189, 1190, 1192 and 1265 of 2020, R1 to R3 in W.A.No.1195 of 2020) Mr.K.Srinivasamurthy for Mr.B.Rabu Manohar, SPCCG for R3 & R4 in W.A.No.1178 of 2020, R3 in W.A.Nos.1190, 1192 of 2020

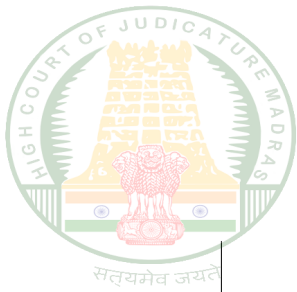


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		Mr.D.Ravichander, Special Government Pleader for R2 in W.A.Nos.1178 ,1188, 1190, 1192 of 2020 No appearance – R2 to R7 in W.A.No.1184 of 2020 No appearance – R4 in W.A.No.1195 of 2020
WA.No.1567 of 2021	Ms.Anna Mathew	Mr.Avinash Wadhwani
WA.Nos.2025, 2026, 2027 & 2028 of 2019	Ms.M.Sneha & Ms.V.Rani	Mr.Avinash Wadhwani
WA.Nos.1173, 1174, 1175 & 1186 of 2020	Mr.Avinash Wadhwani	Mr.G.Sankaran, Senior Counsel For Mr.S.Nedunchezian for R1, R3 to R6 (W.P.No.1173 of 2020) and R1 (W.P.No.1174, 1175 of 2020) and R1, R3, R5, R7, R8 and R11 (W.P.No.1186 of 2020)
WA.Nos.1176 & 1193 of 2020	Mr.Avinash Wadhwani	Mr.D.Ravichander, Special Government Pleader – R2
WA.No.1180 of 2020	Mr.Avinash Wadhwani	No such person
WA.Nos.1181 & 1191 of 2020	Mr.Avinash Wadhwani	Party-in-Person – R1 Mr.D.Ravichander, Special Government Pleader – R2



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		Mr.K.Srinivasamurthy for Mr.B.Rabu Manohar – R3 (W.P.No.1181 of 2020)
WA.No.1182 of 2020	Mr.Avinash Wadhwani	Mr.S.Selvathirumurugan (for R3) Mr.G.Sankaran , Senior Counsel for Mr.S.Nedunchezian (for R1, R2, R4, R7 to R13) R5, R6 & R14 – Party- in-Person Mr.D.Ravichander, Special Government Pleader – R15
WA.No.1185 of 2020	Mr.Avinash Wadhwani	Ms.Anna Mathew
WA.No.1194 of 2020	Mr.Avinash Wadhwani	Mr.P.Suresh Babu & K.Mohamed Hussen for R1 to R3 Mr.D.Ravichander, Special Government Pleader – R4
W.P.Nos.2829, 6868 and 6870 of 2021 & Cont.P.No.594 of 2021	Ms.D.Geetha	Mr.Avinash Wadhwani
W.P.(MD)No.2051 7 of 2021	Ms.G.Dhanalakshmi	Mr.Avinash Wadhwani

COMMON JUDGMENT
(Delivered by Dr. ANITA SUMANTH..J)



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There are a total of 34 Writ Appeals and 4 Writ Petitions (including a matter filed before the Madurai Bench) and 1 Contempt Petition in this batch. The prayers in each of the Writ Petitions are set out below:

S. No	Writ Petition Number	Writ Appeal Number	Relief claimed in the Writ Petition
1.	19958 of 2019 (14 Petitioners)	1182 of 2020 (Anna University)	Writ of Mandamus, directing the Respondents to grant an order of Extension of service of Petitioners in the post of Teaching Fellow/Visiting Faculty in the respective Colleges for continuance in service beyond 30.06.2019 on par with similarly placed persons and for regularization of service.
2.	20268 of 2019 (7 Petitioners)	1173 of 2020 (Anna University)	Writ of Mandamus, directing the Respondents to grant an order of Extension of service of Petitioners in the post of Teaching Fellow/Visiting Faculty in the respective Colleges for continuance in service beyond 30.06.2019 on par with similarly placed persons and for regularization of service in the post of Assistant Professor.
3.	21393 of 2019 (11 Petitioners)	1186 of 2020 (Anna University)	Writ of Mandamus, directing the Respondents to grant an order of Extension of service of Petitioners in the post of Teaching Fellow/Visiting Faculty in the respective Colleges for continuance in service beyond 30.06.2019 on par with similarly placed persons and for regularization of service in the post of



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			Assistant Professor.
4.	24286 of 2019	1175 of 2020 (Anna University)	Writ of Mandamus, directing the Respondents to grant an order of Extension of service of Petitioners in the post of Assistant Professor Teaching Fellow in the respective Colleges for continuance in service beyond 30.06.2019 on par with similarly placed persons and for regularization of service in the post of Assistant Professor.
5.	1079 of 2020	1174 of 2020 (Anna University)	Writ of Mandamus, directing the Respondents to grant an order of Extension of service of Petitioners in the post of Teaching Fellow in the respective Colleges for continuance in service beyond 30.06.2019 on par with similarly placed persons.
6.	1665 of 2020	1176 of 2020 (Anna University)	Writ of Mandamus, directing the respondents to grant an order of Extension of service of Petitioners in the post of Teaching Fellow in the respective Colleges for continuance in service beyond 30.06.2019 on par with similarly placed persons.



7.	22105 of 2019	1188 of 2020 (Anna University)	<i>Writ of Mandamus directing the respondents to grant an order of extension of service to the petitioner in the post of Teaching Fellow in the respondent University College of Engineering/ Constituent College of Anna University for continuance in service beyond 30-06-2019 on par with other similarly placed Teaching Fellows selected along with the petitioner with all consequential and other attendant benefits and pass such further or other orders as this Hon'ble court may deem fit and proper in the facts and for continuance in service beyond 30-06-2019 on par with other similarly placed Teaching Fellows selected along with the petitioner with all consequential and other attendant benefits.</i>
8.	35583/20 19	1193 of 2020 (Anna University)	<i>Writ of Mandamus directing the respondents to grant an order of extension of service to the petitioner in the post of Teaching Fellow in the Respondent University College of Engineering/ Constituent College of Anna University for continuance in service beyond 30-06-2019 on par with other similarly placed Teaching Fellows selected along with the petitioner with all consequential and other attendant benefits.</i>



9.	21619 of 2019	1194 of 2020 (Anna University)	Directing the respondents to grant an order of extension of service to the petitioners in the post of Teaching Fellow in University College of Engineering Thirukkuvalai/Constituent College of Anna University continuance in service beyond 30.06.2019 on par with other similarly placed Teaching Fellows selected along with the petitioners, With all consequential and other attendant benefits
10.	W.P.(MD)		
	No.24819 of 2018 & Cont. P. (MD)945 of 2019	1195 of 2020 (Anna University) 1163 of 2021	For Mandamus to direct to the respondents to absorb the petitioners as Assistant Professor with effect from the date of appointment. For violation of interim order made in WMP MD No. 22505 of 2018, order dt. 18.12.2018
11.	W.P.(MD) No 4887 of 2019	898 of 2021 1265 of 2021 (Anna University)	For Mandamus to direct to the Respondents to absorb the Petitioners as Assistant Professor with Effect from the date of appointment.
12	22621 of 2019	1192 of 2020 (Anna University) 1230 of 2021	Writ of Certiorarified Mandamus challenging the E-Mail communication dt. 05.07.2019 and



13	22627 of 2019	1181 of 2020 (Anna University)	direct the respondents to absorb the petitioners as Assistant Professors from the date of appointment with all attendant benefits
14.	22560 of 2019	1178 of 2020 (Anna University) 413 of 2021	
15.	22606 of 2019	1190 of 2020 (Anna University) 1240 of 2021	
16	21578 of 2019	1191 of 2020 (Anna University)	Mandamus directing the respondents to terminate the services of the petitioner and not to stop the monthly pay of the petitioner pending the regularization of the service of the petitioner as Assistant Professor in the 1 st respondent institution.
17.	18359 of 2019		The same writ petitioners in WP (MD) 24819/18 and 4887/19.
18.	255 of 2020		Writ of Certiorari challenging the recruitment notifications for Teaching Fellows dt.07.06.2019 and 19.12.2019
19.	35866 of 2019		



20	8169 of 2020	1184 of 2020 (Anna University)	<i>Writ of mandamus directing the respondents to consider the representation made by the petitioners and consequently bring the petitioners under time scale of pay from consolidated pay.</i>
		1162 of 2021	
21	8172 of 2020	1179 of 2020 (Anna University)	
		1380 of 2021	
22	8170 of 2020	1180 of 2020 (Anna University)	<i>Mandamus seeking regularization of service in the post of assistant professor from the date of appointment</i>
		1211 of 2021	
23.	8512 of 2020	1189 of 2020 (Anna University)	
24	8431 of 2017	1185 of 2020 (Anna University)	<i>Mandamus seeking regularization of service in the post of assistant professor from the date of appointment</i>
		1567 of 2021	
25	34037 of 2018	2025 of 2019	
26	34031 of 2018	2026 of 2019	
27	34041 of 2018	2028 of 2019	
28	34024 of 2018	2027 of 2019	



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29	2829 of 2021		<i>Certiorarified Mandamus calling for the records on the file of the 2nd respondent in Letter No.914/AU/CCC-I/Review/Teaching Fellow 2019-20-25 dated 10.06.2019, quash the same and consequently direct the respondents to absorb the petitioner as Assistant Professor in the Department of Information Technology with effect from the date of his initial appointment with all attendant service benefits.</i>
30	6868 of 2021		<i>Certiorarified Mandamus calling for the records on the file of the 2nd respondent in Letter No.914/AU/CCC-I/Review/Teaching Fellow 2019-20-25 dated 10.06.2019, quash the same and consequently direct the respondents to absorb the petitioner as Assistant Professor in the Department of Civil Engineering with effect from the date of his initial appointment with all attendant service benefits.</i>
31	6870 of 2021		<i>Certiorarified Mandamus calling for the records on the file of the 2nd respondent in Letter No.914/AU/CCC-I/Review/Teaching Fellow 2019-20-25 dated 10.06.2019, quash the same and consequently direct the respondents to absorb the petitioner as Assistant Professor in the Department of Electrical and Electronic Engineering with effect from the date of his initial appointment with all attendant service benefits.</i>
32	WP(MD)		<i>Mandamus directing the respondent to</i>



	No.20517 of 2021	grant an order of extension of service to the petitioner in the post of Teaching fellow in the respondent university college in the department of Electronics and Communication Engineering, BIT Campus, Tiruchirappalli for the Continuance in service beyond 30.06.2019 on par with other similarly placed Teaching Fellow selected along with the petitioner with all consequential and other attendant benefits.
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2. The Writ Petitions have all been filed either seeking mandamus directing the Anna University to regularize the services of the faculty, seeking parity of pay with similarly placed teaching faculty who are serving on permanent basis or challenging orders rejecting representations seeks the aforesaid two reliefs.

3. The present order Writ Appeals would have to be set against the context of an order passed by this Bench on 18.10.2023. In that order, the Division Bench had expressed its anguish in regard to the fact that there had been no recruitments or, for that matter, any concerted attempt to make permanent appointments for the post of Assistant Professors and other teaching faculty for several years.

4. The Bench had thus directed the Anna University to commence the process of permanent recruitments forthwith. That order had been



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taken in appeal and the direction to undertake the process of recruitment for permanent posts confirmed by the Supreme Court by order dated 24.11.2023 in Special Leave Petition (C) No.26003/2023.

5. When this matter had been taken up on 12.12.2024 and 07.01.2025, we were appalled to find that despite categoric orders of this Court, the direct recruitment process had not progressed at all. It was extremely difficult to bring the Anna University on board to even obtain instructions on what the present status of the matters is. Their reluctance to proceed with the recruitment for permanent candidates despite prior orders of this Court and the Supreme Court is contumacious at the very least, revealing a marked reluctance to streamline the operation and management of the University.

6. Finally, vide order dated 21.01.2025, we had directed that a Committee should be formed comprising of specified members to facilitate the process of direct recruitment of the faculty members. Our order dated 21.01.2025 reads as follows:

Teachers Recruitment Board (TRB) is suo motu impleaded as respondent in respective writ appeals. Registry to correct array. Mr.K.Sathish Kumar, learned Standing Counsel accepts notice for TRB. He shall be supplied with a complete set of papers by Ms.Geetha, who appears for some of



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the writ appellants and Mr.Avinash Wadhwani, learned counsel for Anna University, forthwith.

2.Read this order in continuation of and in conjunction with order dated 07.01.2025.

3.Learned counsel for the Anna University (University) finally appears and produces some documents. What we are able to ascertain from these documents is this:

(i) pursuant to order of this Court dated 18.10.2023 that has been confirmed by the Supreme Court on 24.11.2023, Recruitment Notification has been issued by the University calling for applications in November 2023;

(ii) Minutes dated 16.11.2023 of the Finance Committee contain a resolution to the effect that the written examination shall be conducted by the Teachers Recruitment Board (TRB). This resolution has been approved by the Syndicate in its meeting on 03.01.2024;

(iii) It is this delegation of responsibilities to the TRB that has resulted in a delay of one year as, in the interim, there has been no progress as far as the recruitment process is concerned;

(iv) Voluminous communication has been exchanged inter se the parties and according to the University, all details required to enable TRB to conduct the examinations have been made available to it;

(v) According to Mr.Sathish, the TRB awaits certain approvals from the State Government. Mr.D.Ravichander, learned Special Government Pleader, who appears on behalf of the State, will look into the same and do the needful expeditiously.



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4. *We have suggested the formation of a Committee comprising of officials from the State, the University and TRB to facilitate the process of recruitment, who will iron out all/any difficulties that may arise in such process and ensure that the processes is completed seamlessly and at the earliest. The parties have jointly suggested the following members to form part of the Committee under their Memo filed today.*

'List of the Committee Members:

*1. The Principal Secretary to Government,
Higher Education Department,
Secretariat, Chennai-600 009.*

*2. The Directorate of Technical Education,
DOTE, Guindy, Chennai.*

*3. The Chairman,
Teachers Recruitment Board,
College Road, Egmore, Chennai.*

*4. The Registrar,
Anna University,
Guindy, Chennai.*

It is most humbly prayed that this Hon'ble Court may be pleased to record the said memo and pass necessary orders.'

5. Accordingly, a Committee shall be formed of (i) the Principal Secretary to Government, High Education Department, Secretariat, Chennai-600 009, (ii) the Directorate of Technical Education, DOTE, Guindy, Chennai, (iii) the Chairman, Teachers Recruitment Board, College Road, Egmore, Chennai and (iv) the Registrar, Anna University, Guindy, Chennai. They will convene at 10.00 a.m. on Saturday, the 25th January, 2025 at a mutually convenient venue to be decided by them. The concurrence of all the members has been sought and obtained through their respective counsel.



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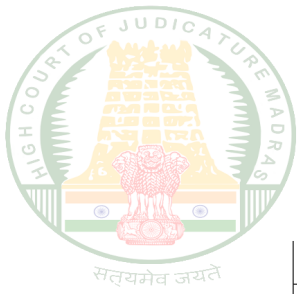
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6. List on 30.01.2025 to receive minutes of the meeting to be convened on 25.01.2025. The minutes shall specifically include detailed timelines for the recruitment process, which shall be completed within a period of four (4) months from 01.02.2025 i.e. on or before 31.05.2025.

7. Meetings appear to have been held on 25.01.2025 and 27.01.2025 for direct recruitment of Assistant Professors, Assistant Librarian and Assistant Director (Physical Education) in 13 University College of Engineering campuses and 3 Regional campuses of Anna University by a Committee comprising the Additional Chief Secretary to Government, Higher Education Department, Commissioner, Directorate of Technical Education, Chairperson, Teachers Recruitment Board and the Registrar, Anna University.

8. We are informed vide a copy of minutes dated 25.01.2025 and 27.01.2025 that were circulated, that the following schedule was fixed for completion of the recruitment process:

S.No.	Milestone	Timeline
1.	Publication of list of eligible and ineligible candidates for written test in the University website.	30.01.2025 (Thursday)
2.	Receipt of representation(s) from the ineligible candidates (if	30.01.2025-03.02.2025 (Thursday – Monday)



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	<i>any).</i>	
3.	<i>Submission of department-wise eligible candidates for the written test to TRB by Anna University</i>	<i>05.02.2025 (Wednesday)</i>
4.	<i>Announcement of schedule of written test by TRB</i>	<i>10.02.2025 (Monday)</i>
5.	<i>Date of conduct of written test</i>	<i>05.04.2025 (Saturday) FN & AN 06.04.2025 (Sunday) FN & AN</i>
6.	<i>Publication of answer key by TRB</i>	<i>15.04.2025 (Tuesday)</i>
7.	<i>Publication of results for written test</i>	<i>17.04.2025 (Thursday)</i>
8.	<i>Assessment of domain knowledge and teaching skills (Presentation on the subject of the applicant's specialization to the Expert Committee) and interview performance (Personal interview by the Selection Committee) for the short-listed candidates</i>	<i>21.04.2025 to 31.05.2025</i>

9. This recruitment will continue on a separate and parallel track to the present Writ Appeals and Writ Petitions. We had made it clear even while reserving these matters for orders on 31.01.2025 that the process should continue unhindered by the pendency of these matters and the following order was passed:



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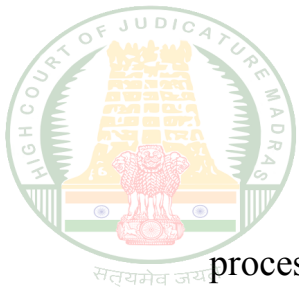
(i) *The appellants in W.A.Nos.2025 to 2028 of 2019 have participated in the selection process for recruitment. Hence, their selection will be subject to the process itself bearing in mind the weightage given to them as per order of this Court dated 18.10.2023.*

(ii) *The appellants in W.A. Nos.1162, 413, 1211, 1230, 1240, 1380 and 1567 of 2021 have participated in the selection process for recruitment. Hence, their selection will be subject to the process itself bearing in mind the weightage given to them as per order of this Court dated 18.10.2023.*

(iii) *The appellants Mr.T.R. Kannan and Mr.N. Subash in W.A. No. 1163 of 2021, and the appellant Mr.Muthukumar in W.A.No.898 of 2021 have participated in the selection process for recruitment. However, the two appellants in W.A.No.1163 of 2021 seek to pursue the relief sought along with Mr.E.Rajasherin, Mr.A.Krishna Prakash and Mr. N. Bathlin Nelmin who have not participated in the recruitment process. Their submissions on merits are heard.*

10. We trust that the process of recruitment as committed to by the Selection Committee on 25.01.2025 and 27.01.2025 is being adhered to scrupulously. We caution that any deviations from the aforesaid Schedule will be viewed very seriously and will entail serious consequences.

11. Ms.Geetha, Ms.M.Sneha and Ms.Anna Mathew, learned counsel for the appellants in W.A.Nos.1162, 898, 413, 1211, 1230, 1240, 1380, 2025 to 2028 of 2019 and 1567 of 2021 and W.P.Nos.2829, 6868 & 6870 of 2021 and W.P.(MD)No.20517 of 2021, have confirmed, on instructions, that their clients are participating in the on-going recruitment



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process by filing necessary applications.

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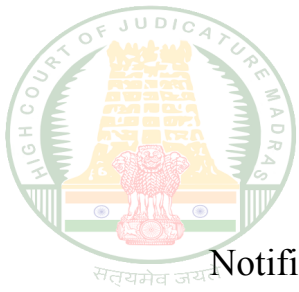
12. The above applicants hence form part of the pool of candidates who are undergoing the recruitment process as we have adumbrated in the paragraphs supra. These candidates thus do not press these Writ Appeals/Writ Petitions as they prefer to take their chances in the on-going recruitment process.

13. Recording the above confirmation as received from the learned counsel on record, the above Writ Appeals and Writ Petitions are closed as not pressed.

14. This leaves us with the Writ Appeals filed by the appellants, viz., Mr.T.R.Kannan, Mr.N.Subash, Mr.E.Raja Sherin, A.Krishna Prakash and N.Bathlin Nelmin in W.A.No.1163 of 2021 who pursue the matters, being convinced that they are entitled to regularization. They are represented by Ms.Geetha and her submissions on their behalf are as follows:

(i) The appellants have been recruited in the recruitment process conducted on 29.08.2012 which process is equal to, in entirety, a regular recruitment process as set out under the Rules.

(ii) Advertisements calling for applications and a copy of



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Notifications dated 29.08.2012 and 07.07.2014 (Recruitment Notifications) as uploaded in the Anna University website have been produced before us.

(iii) The Recruitment Notification reveals that the educational qualifications required had been stipulated therein as follows:

Notification dated 29.08.2012:

Recruitment for Teaching Fellow:

i) for Engineering candidates – B.E./B.Tech and M.E./M.Tech in relevant branch with first class and ii) science and Humanities candidates – M.A./M.Sc.with M.Phil/MBA/MCA/NET/SLET or Ph.D. qualification will be preferred.

Notification dated 07.07.2014:

Recruitment for Teaching Fellow/Visiting Faculty:

i) for Engineering candidates – B.E./B.Tech and M.E./M.Tech in relevant branch with first class or equivalent either in B.E./B.Tech or M.E./M.Tech. Ph.D. degree is desirable and ii) Science and Humanities candidates – Master degree with at least 55% of the marks and NET/SLET (as per UGC norms)/ Ph.D. degree.

(iv) The candidates were thereafter called for interview and have been interviewed by a Committee comprising as follows:

- | | |
|--|----------------------------|
| 1. Dr.S.Thamarai Selvi, Dean MIT | : Chairman |
| 2. Dr.N.Kumaravelu, Mentor, Tirunelveli Region | : Member |
| 3. Respective Head of Department (Any one Campus): | Member |
| 4. Dr.D.Arivuoli (Science & Humanities) | : Member |
| 5. Dr.G.Sakthinathan, Dean i/c,
Regional Office - Tirunelveli | : Coordinator/
Convener |



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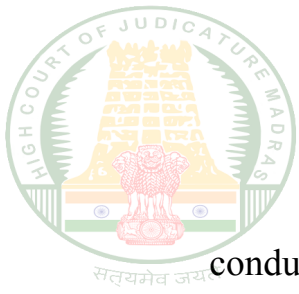
(v) She would submit that only 7 out of those in the present batch have responded to Notifications dated 29.08.2012 and 07.07.2014 and been appointed by way of a regular process, as contra distinguished from the others whose appointments are irregular and without following any required parameters.

(vi) She would specifically draw attention to the case of one Sathyaseelan, appointed in 2010 similar to their cases whose services have been regularized and complain that their cases have been discriminated against.

(vii) She argues that Section 13 (1) of the Anna University Chennai Act, 1978 (in short 'Act') provides for recommendations to the Syndicate of the candidates and this stipulation is satisfied by the interview that these candidates were subject to.

(viii) Section 13(7) of the Act thereafter requires that if any candidates were recruited on temporary basis, such temporary appointment was only be only for a period of 6 months. If the University intends to regularize them, then a regular Selection Committee would have had to interview them subsequently.

(ix) Such interview as stipulated in Section 13(7) has not been



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conducted despite several requests by the candidates. In any event, bearing in mind the composition of the Committee that has interviewed them initially, they would submit that their eligibility for the post has been assessed by that Selection Committee and no further assessment need be done.

(x) A specific distinction is made between the recruitment process followed in the cases of these candidates and in the cases of the other candidates, some of whom have opted for participation in the on-going recruitment process, to illustrate, that the process in these candidates' cases was regular and in accordance with the Rules/Acts.

15. The appellants rely on the following citations:

- (i) *Secretary, State of Karnataka and Others v. Uma Devi and Others*¹
- (ii) *Mineral Exploration Corporation Employees' Union v. Mineral Exploration Corporation Ltd. and Another*²
- (iii) *UP State Electricity Board v. Pooran Chandra Pandey and Others*³
- (iv) *Nihal Singh and Others v. State of Punjab and Others*⁴
- (v) *The Registrar, Manonmaniam Sundaranar University, Abishekapatti, Tirunelveli v. S.Thendral and others*⁵
- (vi) *Amarkant Rai v. State of Bihar & Others*⁶
- (vii) *State of Punjab and Others v. Jagjit Singh and Others*⁷
- (viii) *Periyar University v. D.Gayathri and others*⁸

1 2006 (4) SCC 1

2 2006 (6) SCC 310

3 2007 (11) SCC 92

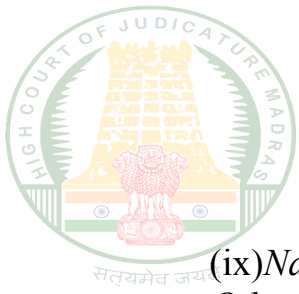
4 2013 (14) SCC 65

5 WA(MD)No.351 of 2012 dated 29.04.2014

6 Civil Appeal No.2835 of 2015 dated 13.03.2015

7 2016 (II) I.L.R.CUT 1127 (S.C.)

8 2018 (3) CTC 857



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- (ix) *Narendra Kumar Tiwari and Others v. The State of Jharkhand & Others*⁹
(x) *Sri Basudeb Debnath and Others v. Union of India and others*¹⁰
(xi) *Somesh Thapliyal and Another v. Vice Chancellor, H.N.B. Garhwal University & Another*¹¹
(xii) *Vinod Kumar and Others v. Union of India and Others*¹²
(xiii) *The Union of India and others v. The Registrar, Central Administrative Tribunal, Madras Bench and Others*¹³
(xiv) *Jaggo v. Union of India and Others*¹⁴

16. Mr.Avinash Wadhwani, who represents Anna University is not in a position to deny the factual aspects of the submissions made above, relating to the comprehensive nature of the Recruitment Notification, stipulation of educational qualifications in the Notifications, the conduct of interview as well as the fact that the interview for consideration of the candidature of the candidates for permanency, was not conducted.

17. Be that as it may, he would argue that these candidates are only holding temporary positions and hence should not be considered for regularization unless they undergo the process of recruitment which is on-going now. He would also emphasize that permanent position can only be granted if they had been interviewed by a regular Selection Committee which has not transpired in the present case.

⁹ 2018 (8) SCC 238

¹⁰ WP(C)No.1162 of 2018 dated 09.03.2021

¹¹ Civil Appeal No(s).3922-3925 of 2017 dated 03.09.2021

¹² SLP(C)Nos.22241-42 of 2016 dated 30.01.2024

¹³ WP.No.27655 of 2015 dated 25.10.2024

¹⁴ SLP(C)No.5580 of 2024 dated 20.12.2024



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18. We have considered the rival submissions carefully. The admitted facts that have already been adumbrated above, but we recapitulate them here for the purposes of clarity and completion. On a harmonious consideration of the Anna University Chennai Act, 1978 ('Act'), the University Grants Commission Notification dated 18.07.2018 dealing with '*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, 2018*' and the '*AICTE Regulation on Pay Scales, Service Conditions and Minimum Qualifications for the Appointment of Teachers and Other Academic Staff, such as Library, Physical Education and Training & Placement Personnel in Technical Institutions and Measure for Maintenance of Standards in Technical Education – (Degree) Regulation, 2019*' –dated 01.03.2019, the following the procedure emerges the Act.

19. The Act does empower the University to appoint candidates on temporary basis. Such temporary appointment is only to be for a period not exceeding 6 months and there is no provision for extension of the same. The process of appointment of a temporary faculty is set out under Section 13(7) to state that a temporary vacancy envisaged under sub-



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Section (7) shall be made by a Local Selection Committee for a period not exceeding 6 months. If a temporary vacancy is for a duration longer than one academic session, it shall be filled in as per the procedure for regular recruitment.

20. Thus, it is very clear that a temporary vacancy can be filled in only for a period of 6 months and there is no provision for extension. Such temporary vacancy should be filled in, in terms of Section 13(7) by a Local Selection Committee comprising the Chairman of the Faculty concerned, the Head of the Department and a nominee of the Vice-Chancellor.

21. In the present case, the constituents of the Committee that have interviewed and selected the three candidates are the Dean/Chairman of the MIT and 4 other senior faculty members. In the interests of completion, Section 13(7) is extracted below:

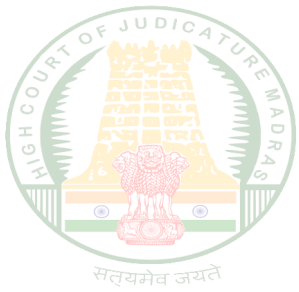
'13.Selection Committee:

.....

7. Appointments to temporary posts shall be made in the manner indicated below:

[i] If the temporary vacancy is for a duration longer than ne academic session, it shall be filled on the advice of the Selection Committee in accordance with the procedure indicated in the foregoing provisions:

Provided that if the Vice-Chancellor is satisfied that in the interests of work it is necessary to fill the vacancy, the



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appointment may be made on temporary basis by a local selection committee referred to in sub-clause [ii] for a period not exceeding six months.

[ii] If the temporary vacancy is for a period less than a year, an appointment to such vacancy shall be made on the recommendation of a local selection committee consisting of the Chairman of the Faculty concerned, the Head of the Department and a nominee of the Vice-Chancellor:

Provided that if the same person holds the offices of the Chairman and the Head of the Department, the selection committee may consist two nominees of the Vice Chancellor:

Provided further that in case of sudden casual vacancies in teaching posts caused by death or any other reason, the Chairman may, in consultation with the Head of the Department concerned make a temporary appointment for a month and report to the Vice-Chancellor and the Registrar about such appointment.

[iii] No teacher appointed temporarily shall, if he is not recommended by a regular selection committee for appointment under these statutes, be continued in service on such temporary employment, unless he is subsequently selected by a local selection committee or a regular selection committee, for a temporary or permanent appointment, as the case may be.'

22. The arguments of Anna University at this juncture of time, after having availed the services of these three candidates for the last 13/11 years, is that their recruitments have not been made by a Regular Committee which should include the Vice-Chancellor, the nominee of the Government and other persons, specified in Section 13(2) and the table annexed thereto. We find this submission unpalatable to say the least.



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23. It is a travesty to raise such an argument at this juncture when the University has exploited the services of these three faculty members for more than a decade and in some cases, close to 1 ½ decades. Their competence and eligibility are not in question. In fact, the appraisals in the case of Mr.T.R.Kannan and Mr.E.Raja Sherin duly endorsed by HOD, indicate high standards of competence and excellent feedback received from the students.

24. Even without needing to advert to the appraisal, this is a case, where the University is in total breach of the Act and cannot be seen now to turn back and raise an objection which only reveals their own breaches. The University cannot be permitted to take advantage of its own lapses and defalcations in negating the services of these three faculty members who have been on their roles for such a long period, rendering unblemished services. We reiterate that there is no whisper in any of the pleadings to the effect that the faculty are either incompetent or unsuitable in any way.

25. Judicial notice has been taken by other Benches dealing with recruitments by Anna University to state that appointments have been made substantially only on adhoc basis over the years and practically no

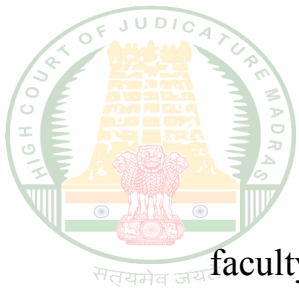


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permanent appointments have been made. Hence, it is a shame for a University that has been functioning solely on the strength of faculty appointed on temporary or adhoc basis, to advance such a submission.

26. We wonder what prevented the University from following the stipulations under the Act, particularly when Section 13(7) states that no temporary vacancy can be made for a period not exceeding 6 months. This is a breach at the very inception, which the University has chosen to condone or gloss over, by continuing the services of the temporary candidates on contract basis periodically. Today, they turn around and seek to take advantage of their own lapses. It's a crying shame and we do not intend to encourage or to permit the University to perpetrate its own wrongs and then take advantage of the same.

27. We are conscious that in some of the cases, the recruitment processes followed may not be regular, in the sense that the candidates selected may be under-qualified or suffer from other disqualifications. There may also be situations where the recruitment notices were not placed in public domain thus truncating the selection of candidates. While it may be harsh that such candidates recruited in such situations might face a hurdle in the regularization of their posts, the case of these three



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faculty members is not a case where the candidates suffer any disqualifications.

28. The Recruitment Notifications issued in the case of the present candidates are extracted below:-

Notification dated 29.08.2012:

*ANNA UNIVERSITY: TIRUNELVELI REGION
TIRUNELVELI-627 007*

Regional Director i/c

Phone: 0462-2554255

Fax : 0462-2552877

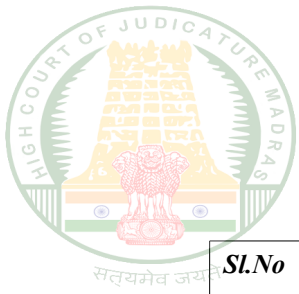
AUTR/TF/Recruitment/2012

Date: 29.08.2012

Recruitment of Teaching Fellow

Applications are invited in the prescribed format along with copies of certificates, (Supporting Qualificaiton, Experience and other information) for the temporary Teaching Petitions in the following disciplines of the University College of Engineering Nagercoil, (UCEN) Thoothukudi (UVOCCET) and Regional Centre Tirunelveli of Anna University (RCT).

<i>Sl.No</i>	<i>Department</i>	<i>RCT</i>	<i>UCEN</i>	<i>UVO CCET</i>	<i>Preferred PG Specialization</i>
1.	Civil	2	7	4	Structural Engineering / Geo informatics/ Remote Sensing / Transportation
2.	ECE	2	2	7	VLSI Design / Applied Electronics / Embedded System /Communication System
3.	CSE	11	4	0	Computer Science & Engineering/ Information Technology / Software Engineering
4.	Mechanical	4	0	2	Thermal Engineering / Design / CAD / CAM/ Aeronautical Engineering / Energy Engineering
5.	EEE	2	0	4	Embedded Systems / Applied Electronics
6.	MBA	2	0	0	Finance/General with Quantitative methods
7.	MCA	2	0	0	-
8.	Maths	2	1	1	-



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Sl.No	Department	RCT	UCEN	UVO CCET	Preferred PG Specialization
9.	Chemistry	1	1	3	-
10.	English	1	1	0	-
11.	Physics	1	0	0	-

Selected Candidates will be appointed on temporary basis upto May 2013 with consolidated pay of Rs.20,000/- p.m.

Eligibility:

1.Engineering Candidates : B.E./B.Tech and M.E./M.Tech in relevant branch with First class

2.Science and Humanities Candidates: M.A/M.Sc with Mphil/MBA/MCA NET/SLET or Ph.D Qualifications will be preferred.

Eligible and interested candidates may send their application by post to:

*The Regional Director
Anna University : Tirunelveli Region,
Tirunelveli 627 007*

Last date for the receipt of the application: 12.09.2012, 05.00 PM.

- Candidates should appear for the interview with their original certificates.*
- The envelope containing the application should be superscribed with 'AUTR/TF/Recruitment/2012, Dated: 29.08.2012'*
- No TA/DA will be admissible for attending interview.*

-sd-

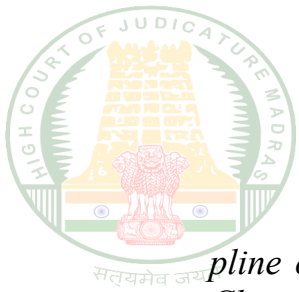
Regional Director i/c

Notification dated: 07.07.2014:

Ref: 757/M&A/Recruitment/2014 Date : 07.07.2014

Recruitment of Teaching Fellow / Visiting Faculty

Applications are invited in the prescribed format along with copies of Certificates for the temporary Teaching Fellow / Visiting Faculty in the disci-



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pline of Civil, Mechanical, EEE, ECE, CSE, MCA, Mathematics, Physics, Chemistry and English at University College of Engineering (Dindigul/ Ramanathapuram/ Thoothukudi/ Nagercoil) and Regional Office (Madurai / Tirunelveli).

Selected candidates will be appointed on temporary basis for a period of six months with a minimum consolidated pay of Rs.20,000/- per month as per University norms.

Eligibility:

1. Engineering Candidates : B.E/ B.Tech and M.E/ M.Tech., in relevant branch with first class or equivalent either in B.E/ B.Tech or M.E/M.Tech Ph.D degree is desirable.

2. Science and Humanities Candidates : Master degree with at least 55% of the marks and NET / SLET (as per UGC norms) / Ph.D degree.

Eligible and interested candidates may submit their application in the prescribed format along with the copies of Supporting Qualifications, Experience, Publications and other information (refer Annexure) by post on or before 14.07.2014 at 5.00 p.m., to

The Dean i/c
Regional Office – Tirunelveli,
Anna University,
Tirunelveli – 627 007.

* Candidates should appear for written test and successful candidates shall be called for personal interview on the same day at Regional Office – Tirunelveli. Following is the tentative schedule of dates.

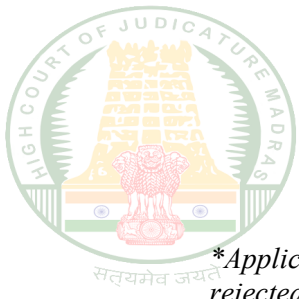
Written test & Personal Interview	18.07.2014, 19.07.2014 & 20.07.2014
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* Candidates should appear for the interview with their original certificates.

* The envelope containing the application should be super scribed with 757/M&A/Recruitment/2014, Dated 07.07.2014, Application for Teaching Fellow / Visiting Faculty and Department of

*The University reserves the right to fill / not to fill up any or all of the above posts.

*No TA/DA will be admissible for attending interview.



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**Applications without supporting documents and incomplete application will be summarily rejected.*

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** Candidates should submit only one application and will be appointed in any one of the above mentioned campuses.*

29. The Notifications have admittedly been hosted on the website of the University and on a perusal of the Recruitment Notifications we find that the Notifications are not bereft of essential details. They contain the requirements for educational qualifications and other essential stipulations. The Notifications make it clear that the selected candidates would be subject to interview. Such interview has also taken place in the present cases and the candidates have been recruited only subsequent thereto.

30. The composition of the Interview Committee is indisputably one comprising senior members in Academia and hence the mere fact that the Regular Committee as per Section 13(2) of the Act has not considered their candidature is irrelevant in the present case. Hence, we conclude that the recruitment procedure in these cases mimics the procedure contemplated for regular recruitment and is unimpeachable.

31. Learned counsel for Anna University would next point out that their appointment letters contain the term 'temporary'. We are of the considered view that merely because Anna University chooses to call



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them temporary candidates would not mean that those candidates are temporary, particularly in view of our observations supra.

32. The cases cited by learned counsel would also support our conclusion to the effect that the process followed in the case of the present candidatures is regular and in accordance with the Act. Any aberration therein is one for which Anna University is itself responsible and the appellant cannot be made to bear the brunt of the same.

33. Coming to the appeals of Anna University, they are aggrieved by the direction of the learned single Judge to the effect that even those candidates who were appointed on temporary basis must be accorded parity of pay with the permanent candidates.

34. In paragraphs 46 to 48 learned Single Judge has justified the conclusion that parity of pay must be accorded in the following terms:-

46. The next issue that has to be taken into consideration is with regard to the pay that has to be made to the Petitioners by the Respondent University. Both the UGC Regulations as well as the AICTE Regulations makes it very clear that even in case of ad hoc or temporary service, the emoluments paid to such contract teachers should not be less than the monthly gross salary of a regularly appointed Assistant Professor. The Anna University gave scant regard to these Regulations and continued with the practice of consolidated pay to the Petitioners which was nowhere



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near the actual pay made to a regularly appointed Assistant Professor. It is again reiterated that the Petitioners even though were called as Teaching Fellows, were actually performing the duties of an Assistant Professor with all qualifications. Therefore, they should have been paid the emoluments on par with the monthly gross salary of a regularly appointed Assistant Professor.

*47. It is also important to take note of the judgment of the Hon'ble Supreme Court in **State of Punjab and Others v. Jagjit Singh and Others** reported in (2017) 1 SCC 148. The relevant portions of the judgment are extracted hereunder:*

42. All the judgments noticed in paras 7 to 24 herein above, pertain to employees engaged on regular basis, who were claiming higher wages, under the principle of “equal pay for equal work”. The claim raised by such employees was premised on the ground, that the duties and responsibilities rendered by them were against the same post for which a higher pay scale was being allowed in other government departments. Or alternatively, their duties and responsibilities were the same as of other posts with different designations, but they were placed in a lower scale. Having been painstakingly taken through the parameters laid down by this Court, wherein the principle of “equal pay for equal work” was invoked and considered, it would be just and appropriate to delineate the parameters laid down by this Court. In recording the said parameters, we have also adverted to some other judgments pertaining to temporary employees (also dealt with, in the instant judgment), wherein also, this Court had the occasion to express the legal position with reference to the principle of “equal pay for equal work”. Our



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consideration, has led us to the following deductions:

42.1. *The “onus of proof” of parity in the duties and responsibilities of the subject post with the reference post under the principle of “equal pay for equal work” lies on the person who claims it. He who approaches the court has to establish that the subject post occupied by him requires him to discharge equal work of equal value, as the reference post (see Orissa University of Agriculture & Technology case [Orissa University of Agriculture & Technology v. Manoj K. Mohanty, (2003) 5 SCC 188 : 2003 SCC (L&S) 645] , UT Chandigarh, Admn. v. Manju Mathur [U.T. Chandigarh, Admn. v. Manju Mathur, (2011) 2 SCC 452 : (2011) 1 SCC (L&S) 348] , SAIL case [SAIL v. Dibyendu Bhattacharya, (2011) 11 SCC 122 : (2011) 2 SCC (L&S) 192] and National Aluminium Co. Ltd. case [National Aluminium Co. Ltd. v. Ananta Kishore Rout, (2014) 6 SCC 756 : (2014) 2 SCC (L&S) 353]).*

42.2. *The mere fact that the subject post occupied by the claimant is in a “different department” vis-à-vis the reference post does not have any bearing on the determination of a claim under the principle of “equal pay for equal work”. Persons discharging identical duties cannot be treated differently in the matter of their pay, merely because they belong to different departments of the Government (see Randhir Singh case [Randhir Singh v. Union of India, (1982) 1 SCC 618 : 1982 SCC (L&S) 119] and D.S. Nakara case [D.S. Nakara v. Union of India, (1983) 1 SCC 305 : 1983 SCC (L&S) 145]).*



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42.3. *The principle of “equal pay for equal work”, applies to cases of unequal scales of pay, based on no classification or irrational classification (see Randhir Singh case [Randhir Singh v. Union of India, (1982) 1 SCC 618 : 1982 SCC (L&S) 119]). For equal pay, the employees concerned with whom equation is sought, should be performing work, which besides being functionally equal, should be of the same quality and sensitivity (see Federation of All India Customs and Central Excise Stenographers case [Federation of All India Customs and Central Excise Stenographers v. Union of India, (1988) 3 SCC 91 : 1988 SCC (L&S) 673] , Mewa Ram Kanojia case [Mewa Ram Kanojia v. All India Institute of Medical Sciences, (1989) 2 SCC 235 : 1989 SCC (L&S) 329] , Grih Kalyan Kendra Workers' Union case [Grih Kalyan Kendra Workers' Union v. Union of India, (1991) 1 SCC 619 : 1991 SCC (L&S) 621] and S.C. Chandra case [S.C. Chandra v. State of Jharkhand, (2007) 8 SCC 279 : (2007) 2 SCC (L&S) 897 : 2 SCEC 943]).*

42.4. *Persons holding the same rank/designation (in different departments), but having dissimilar powers, duties and responsibilities, can be placed in different scales of pay and cannot claim the benefit of the principle of “equal pay for equal work” (see Randhir Singh case [Randhir Singh v. Union of India, (1982) 1 SCC 618 : 1982 SCC (L&S) 119] , State of Haryana v. Haryana Civil Secretariat Personal Staff Assn. [State of Haryana v. Haryana Civil Secretariat Personal Staff Assn., (2002) 6 SCC 72 : 2002 SCC (L&S) 822] and Hukum Chand Gupta case [Hukum Chand Gupta*



ta v. ICAR, (2012) 12 SCC 666 : (2013) 3 SCC (L&S) 493]). Therefore, the principle would not be automatically invoked merely because the subject and reference posts have the same nomenclature.

42.5. *In determining equality of functions and responsibilities under the principle of “equal pay for equal work”, it is necessary to keep in mind that the duties of the two posts should be of equal sensitivity, and also, qualitatively similar. Differentiation of pay scales for posts with difference in degree of responsibility, reliability and confidentiality, would fall within the realm of valid classification, and therefore, pay differentiation would be legitimate and permissible (see Federation of All India Customs and Central Excise Stenographers case [Federation of All India Customs and Central Excise Stenographers v. Union of India, (1988) 3 SCC 91 : 1988 SCC (L&S) 673] and SBI case [SBI v. M.R. Ganesh Babu, (2002) 4 SCC 556 : 2002 SCC (L&S) 568]). The nature of work of the subject post should be the same and not less onerous than the reference post. Even the volume of work should be the same. And so also, the level of responsibility. If these parameters are not met, parity cannot be claimed under the principle of “equal pay for equal work” (see State of U.P. v. J.P. Chaurasia [State of U.P. v. J.P. Chaurasia, (1989) 1 SCC 121 : 1989 SCC (L&S) 71] and Grih Kalyan Kendra Workers' Union case [Grih Kalyan Kendra Workers' Union v. Union of India, (1991) 1 SCC 619 : 1991 SCC (L&S) 621]).*

42.6. *For placement in a regular pay scale, the claimant has to be a regular appointee. The*



claimant should have been selected on the basis of a regular process of recruitment. An employee appointed on a temporary basis cannot claim to be placed in the regular pay scale (see Orissa University of Agriculture & Technology case [Orissa University of Agriculture & Technology v. Manoj K. Mohanty, (2003) 5 SCC 188 : 2003 SCC (L&S) 645]).

42.7. Persons performing the same or similar functions, duties and responsibilities, can also be placed in different pay scales. Such as — “selection grade”, in the same post. But this difference must emerge out of a legitimate foundation, such as — merit, or seniority, or some other relevant criteria (see State of U.P. v. J.P. Chaurasia [State of U.P. v. J.P. Chaurasia, (1989) 1 SCC 121 : 1989 SCC (L&S) 71]).

42.8. If the qualifications for recruitment to the subject post vis-à-vis the reference post are different, it may be difficult to conclude that the duties and responsibilities of the posts are qualitatively similar or comparable (see Mewa Ram Kanojia case [Mewa Ram Kanojia v. All India Institute of Medical Sciences, (1989) 2 SCC 235 : 1989 SCC (L&S) 329] and State of W.B. v. Tarun K. Roy [State of W.B. v. Tarun K. Roy, (2004) 1 SCC 347 : 2004 SCC (L&S) 225]). In such a case the principle of “equal pay for equal work” cannot be invoked.

42.9. The reference post with which parity is claimed under the principle of “equal pay for equal work” has to be at the same hierarchy in the service as the subject post. Pay scales of posts may be different, if the hierarchy of the posts in question, and their channels of promo-



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tion, are different. Even if the duties and responsibilities are same, parity would not be permissible, as against a superior post, such as a promotional post (see *Union of India v. Pradip Kumar Dey* [Union of India v. Pradip Kumar Dey, (2000) 8 SCC 580 : 2001 SCC (L&S) 56] and *Hukum Chand Gupta case* [Hukum Chand Gupta v. ICAR, (2012) 12 SCC 666 : (2013) 3 SCC (L&S) 493]).

42.10. A comparison between the subject post and the reference post under the principle of “equal pay for equal work” cannot be made where the subject post and the reference post are in different establishments, having a different management. Or even, where the establishments are in different geographical locations, though owned by the same master (see *Harbans Lal case* [Harbans Lal v. State of H.P., (1989) 4 SCC 459 : 1990 SCC (L&S) 71]). Persons engaged differently, and being paid out of different funds, would not be entitled to pay parity (see *Official Liquidator v. Dayanand* [Official Liquidator v. Dayanand, (2008) 10 SCC 1 : (2009) 1 SCC (L&S) 943]).

42.11. Different pay scales, in certain eventualities, would be permissible even for posts clubbed together at the same hierarchy in the cadre. As for instance, if the duties and responsibilities of one of the posts are more onerous, or are exposed to higher nature of operational work/risk, the principle of “equal pay for equal work” would not be applicable. And also when the reference post includes the responsibility to take crucial decisions, and that is not so for the subject post (see *SBI case* [SBI v. M.R. Ganesh Babu, (2002) 4 SCC



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556 : 2002 SCC (L&S) 568]).

42.12. *The priority given to different types of posts under the prevailing policies of the Government can also be a relevant factor for placing different posts under different pay scales. Herein also, the principle of “equal pay for equal work” would not be applicable (see State of Haryana v. Haryana Civil Secretariat Personal Staff Assn. [State of Haryana v. Haryana Civil Secretariat Personal Staff Assn., (2002) 6 SCC 72 : 2002 SCC (L&S) 822]).*

42.13. *The parity in pay, under the principle of “equal pay for equal work”, cannot be claimed merely on the ground that at an earlier point of time the subject post and the reference post, were placed in the same pay scale. The principle of “equal pay for equal work” is applicable only when it is shown, that the incumbents of the subject post and the reference post, discharge similar duties and responsibilities (see State of W.B. v. Minimum Wages Inspectors Assn. [State of W.B. v. W.B. Minimum Wages Inspectors Assn., (2010) 5 SCC 225 : (2010) 2 SCC (L&S) 1]).*

42.14. *For parity in pay scales under the principle of “equal pay for equal work”, equation in the nature of duties is of paramount importance. If the principal nature of duties of one post is teaching, whereas that of the other is non-teaching, the principle would not be applicable. If the dominant nature of duties of one post is of control and management, whereas the subject post has no such duties, the principle would not be applicable. Likewise, if the central nature of duties of one post is of quali-*



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ty control, whereas the subject post has minimal duties of quality control, the principle would not be applicable (see U.T. Chandigarh, Admn. v. Manju Mathur [U.T. Chandigarh, Admn. v. Manju Mathur, (2011) 2 SCC 452 : (2011) 1 SCC (L&S) 348]).

42.15. There can be a valid classification in the matter of pay scales between employees even holding posts with the same nomenclature i.e. between those discharging duties at the headquarters, and others working at the institutional/sub-office level (see Hukum Chand Gupta case [Hukum Chand Gupta v. ICAR, (2012) 12 SCC 666 : (2013) 3 SCC (L&S) 493]), when the duties are qualitatively dissimilar.

42.16. The principle of “equal pay for equal work” would not be applicable, where a differential higher pay scale is extended to persons discharging the same duties and holding the same designation, with the objective of ameliorating stagnation, or on account of lack of promotional avenues (see Hukum Chand Gupta case [Hukum Chand Gupta v. ICAR, (2012) 12 SCC 666 : (2013) 3 SCC (L&S) 493]).

42.17. Where there is no comparison between one set of employees of one organisation, and another set of employees of a different organisation, there can be no question of equation of pay scales under the principle of “equal pay for equal work”, even if two organisations have a common employer. Likewise, if the management and control of two organisations is with different entities which are independent of one another, the principle of “equal pay for equal work” would not apply (see S.C. Chan-



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dra case [S.C. Chandra v. State of Jharkhand, (2007) 8 SCC 279 : (2007) 2 SCC (L&S) 897 : 2 SCEC 943] and National Aluminium Co. Ltd. case [National Aluminium Co. Ltd. v. Ananta Kishore Rout, (2014) 6 SCC 756 : (2014) 2 SCC (L&S) 353]).

48.It is clear from the above judgment that the Petitioners are entitled for the same pay as stipulated in the Regulations for performance of their duty on par with the regularly appointed Assistant Professors. '

35. The conclusion of the learned Judge is consistent with the conclusions in the judgment of the Supreme Court, referred to by him. Hence we find no infirmity, and none is pointed out before us, to intervene. We reiterate that, despite the categorization of a faculty member as either temporary or permanent, it is the nature of work that is rendered that must be form the basis for determination of the pay to which he/she is entitled to.

36. In the present case, there is absolutely no doubt on the position that the candidates who have been appointed as temporary candidates have been rendering the work of their counterparts serving on regular basis. Hence there is no justification and in fact, it does not behove the Anna University to take a stand that these faculty members are entitled to anything less than what a person appointed in a regular position would



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receive.

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37. The Writ Appeals of Anna University are dismissed. Though tempted to impose costs for filing of such appeals which we believe do not project the Anna University in good light, we desist. Arrears, if any payable to the appellants, on account of our orders as aforesaid, will be computed and paid over to them within a period of eight (8) weeks from date of uploading of the order in the official website of this Court.

38. In fine, W.A.Nos.2025 to 2028 of 2019, 1162, 898, 413, 1211, 1230, 1240, 1380 and 1567 of 2021 and W.P.Nos.2829, 6868 & 6870 of 2021 and W.P.(MD)No.20517 of 2021 are closed as not pressed.

39. W.A.No.1163 of 2021 insofar as T.R.Kannan, Mr.N.Subash, E.Raja Sherin, A.Krishna Prakash and N.Bathlin Nelmin are concerned is allowed.

40. W.A.Nos.1173, 1174, 1175, 1176, 1178, 1179, 1180, 1181, 1182, 1184, 1185, 1186, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195 of 2020 & 1265 of 2021 are dismissed. In light of the aforesaid order Cont.P.No.594 of 2021 is closed. No costs. Connected Miscellaneous Petitions are closed.

(A.S.M.,J) (G.A.M.,J)
01.04.2025



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Index: Yes

Speaking order

Neutral Citation: Yes

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DR. ANITA SUMANTH,J.
and
MR. G.ARUL MURUGAN,J.

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**W.A.Nos.898, 1162, 1163, 1380, 1567, 413, 1211, 1230, 1240 & 1265 of 2021 and W.A.Nos.1173, 1174, 1175, 1176, 1178, 1179, 1180, 1181, 1182, 1184, 1185, 1186, 1188, 1190, 1191, 1192, 1193, 1194, 1195 & 1189 of 2020 and W.A.Nos.2025, 2026, 2027 & 2028 of 2019 and W.P.Nos.2829, 6868 & 6870 of 2021 and W.P.(MD)No.20517 of 2021 and
CMP.Nos.14574, 14575, 14576, 14559, 14560, 14561, 14562, 14564, 14565, 14566, 14567, 14568, 14570, 14571, 14572, 14579, 14580, 14582, 14610 & 14578 of 2020 and CMP.Nos.13643, 13645, 13646, 13648, 13649, 13638, 13640 & 13642 of 2019 and CMP.Nos.1655, 5224, 7339, 7340, 7852, 7942 & 8064 of 2021 and CMP.Nos.20164 of 2023 and WMP.Nos.3164, 7419 & 7420 of 2021 and WMP(MD)No.17378 of 2021 and Cont.P.No.594 of 2021**

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G.ARUL MURUGAN,J.

*(Order of the Court was made by
DR.ANITA SUMANTH,J.)*

Upon pronouncement of orders today, Mr.Neelakandan, learned Additional Advocate General for Mr.K.Sathish Kumar, learned counsel for Teachers Recruitment Board states that they are on track as far as selection process is concerned. This is recorded.

(A.S.M.J.) (G.A.M.J.)
01.04.2025
vs



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and

CMP.Nos.14574, 14575, 14576, 14559, 14560, 14561, 14562, 14564, 14565, 14566, 14567, 14568, 14570, 14571, 14572, 14579, 14580, 14582, 14610 & 14578 of 2020 and CMP.Nos.13643, 13645, 13646, 13648, 13649, 13638, 13640 & 13642 of 2019 and CMP.Nos.1655, 5224, 7339, 7340, 7852, 7942 & 8064 of 2021 and CMP.Nos.20164 of 2023 and WM-P.Nos.3164, 7419 & 7420 of 2021 and WMP(MD)No.17378 of 2021 and Cont.P.No.594 of 2021

Dr.ANITA SUMANTH,J.

AND

G.ARUL MURUGAN,J.

(Order of the Court was made by Dr.ANITA SUMANTH,J.)

This matter is listed under the caption ‘for being mentioned’ today.

2.We have heard the detailed submissions of Ms.D.Geetha, learned counsel for the appellants and Mr.Avinash Wadhwani, learned counsel for Anna University.

3.Under the memo filed by the appellants, they seek certain clarifications in order dated 01.04.2025 that we address below:

(i) In paragraph Nos.9(ii), 11 and 38 delete reference to WA.No.1162 of 2021.

(ii) WA.Nos.1380 & 1230 of 2021 have been filed by one Sathyaseelan, who belongs to the Physics stream, which



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subject is not part of the on-going recruitment notification/process. Learned counsel for the appellants requests that the aforesaid writ appeals may be delinked and listed separately to enable some more submissions to be made. Mr.Avinash Wadhwani, learned counsel for the respondents does not object. Hence, WA.Nos.1380 & 1230 of 2021 are delinked and will be listed by the Registry for hearing before the appropriate Bench on 12.06.2025.

(iii) Reference to 'three candidates/faculty members' at paragraphs 21, 22, 23, 24 and 27 will read as 'five candidates/faculty members' .

(iv) The following paragraphs will stand incorporated as paragraphs 40 to 43 of order dated 01.04.2025.

40. W.A.No.1162 of 2021 has been filed challenging rejection of the request of the appellants seeking parity in pay from date of their appointment. The Writ Court has restricted the grant of pay parity, granting such parity only from 2020 onwards.

41. We have, in this order, considered minutely the



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veracity of the appointment process followed in the case of these appellants, finding them to be in line with the applicable Regulations and procedures prescribed thereunder. We have hence accepted the case of the five (5) appellants, regularising their services from the date of their appointments and to the post of Assistant Professors. (See paragraphs 14 to 39 relating to W.A.No.1163 of 2021).

42. As a consequence, the appeal of these appellants for party in pay from date of their appointment is liable to be accepted. The discussion and conclusion in the appeals filed by the Anna University challenging the grant of pay parity from 2020 which we have dismissed, would be equally applicable qua the present appeal as well. Hence, W.A.No.1162 of 2021 in so far as appellants, viz., Mr.T.R.Kannan, Mr.N.Subash, Mr.E.Raja Sherin, A.Krishna Prakash and N.Bathlin Nelmin are concerned, is allowed.

43. W.A.Nos.1173, 1174, 1175, 1176, 1178, 1179, 1180, 1181, 1182, 1184, 1185, 1186, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195 of 2020 & 1265 of 2021 are dismissed. In