



WEB COPY

W.P.No.27715 of 2019



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 25.10.2025

Pronounced on : 29.10.2025

CORAM:

THE HONOURABLE MR. JUSTICE T.VINOD KUMAR

W.P.No.27715 of 2019

Dr. V. Vaithiananthan
Asst. Professor,
Department of Economics,
Periyar University,
Salem – 11,
Salem District.

... Petitioner

vs

1. The Periyar University,
Rep. by its Registrar,
University Campus,
Periyar Palkalai Nagar,
Salem – 636 011.

2. The University Grants Commission,
Rep. by its Secretary,
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 Certiorarified Mandamus, calling for the records of the impugned order dated 08.03.2019 in PU/R/ESTT.R5/291280/2019



passed by the first respondent and quash the same, consequently direct the first respondent to count the period of active service spent by the petitioner on pursuing research degree i.e., for acquiring Ph.D., Degree as teaching experience for the purpose of further promotion to the Associate Professor and Professor along with regular service rendered by him.

For Petitioner : Mr.M.R.Jothimanian
For Respondents : Mr.P.Godson Swaminath
for Issac Chamber for R1
: Mr.B.Rabu Manohar
Standing Counsel for R2

ORDER

Heard the learned counsel appearing for the petitioner, the learned counsel appearing for the first respondent and the learned Standing Counsel appearing for the second respondent and perused the records.

2. The facts of the case in nutshell are that the petitioner was appointed as Assistant Professor in the Department of Economics of the first respondent/University on 24.06.2005 and he is continuing to work in the same position till date.



3. It is the further case of the petitioner that on 14.10.2005, he had registered himself to pursue Ph.D., programme on part time basis and that the first respondent *vide* proceedings dated 23.02.2006, had granted permission to the petitioner to work as Lecturer for a minimum period of three years after registration for the Ph.D. degree and that the aforesaid Ph.D., degree is required to be completed within six years from the date of registration i.e., on or before 22.11.2011.

4. Petitioner further contended that the aforementioned period of six years for completing Ph.D. programme had been extended by two years and that the petitioner submitted his thesis for being awarded with Ph.D., on 16.09.2013.

5. The petitioner further contended that since, he has been working as Assistant Professor from the date of joining with the first respondent/University, he is entitled to next promotional avenue to the post of Associate Professor/Professor based on the experience and seniority; and that the first respondent, however, did not consider him for being promoted

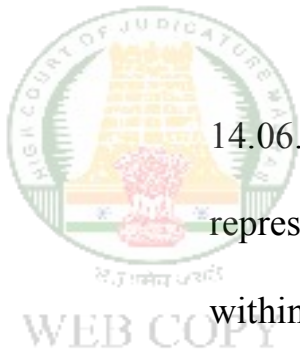


to the post of Associate Professor, even though the second respondent Regulations allows the same.

WEB COPY

6. It is the further case of the petitioner that the second respondent/UGC has issued clarification dated 01.03.2016, whereby, it has been stated to count the period of active service spent by the candidate pursuing research degree i.e., for acquiring Ph.D. degree as teaching experience, for the purpose of further promotion to the post of Associate Professor along with regular service; and that the petitioner, as per the clarification issued by the second respondent dated 01.03.2016, is entitled to get the benefit of the period spent for obtaining Ph.D to be included in his active service.

7. It is also the further case of the petitioner that since clarification issued by the second respondent dated 01.03.2016 allowed the candidate pursuing research degree for acquiring Ph.D. Degree, to the teaching experience for the purpose of further promotion, he had approached the first respondent and submitted a representation dated 20.03.2017; that as the said representation was not considered, he had approached this Court by filing writ petition *vide* W.P.No.14376 of 2018; that this Court by order dated



14.06.2018, directed the first respondent to dispose of the petitioner's representation dated 20.03.2016, as expeditiously as possible, in any event, within a period of four weeks from the date of receipt of a copy of the order; and to communicate the order passed on the representation submitted by the petitioner within a period of 5 days from the date of such disposal of the representation; and that as the first respondent did not dispose of the representation of the petitioner, he had approached this Court by way of Contempt Petition *vide* Cont.P.No.342 of 2019 and the said Contempt Petition is pending consideration.

8. It is contended by the petitioner that during the pendency of the said Contempt Petition, first respondent had rejected the representation of the petitioner dated 20.03.2016 under the impugned proceedings dated 08.03.2019, claiming that his teaching experience has already been considered for granting promotion from the position of Assistant Professor and as such, considering the aforesaid service would amount to the petitioner being conferred with double benefit of the same said teaching experience.



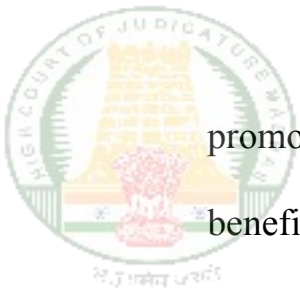
10. Thus, the petitioner contended that the impugned proceedings by which the representation of the petitioner is rejected, is contrary to the UGC Regulations and record, as such, the respondents are liable to be directed to consider the name of the petitioner in the next promotion avenue of Associate Professor.

6/14



respondent dated 01.03.2016, would apply in respect of candidates other than those involved in teaching, like the one who are involved in research work in organisation like DRDO, UGC, ICAR, etc., as specified in Regulation 10.1 of UGC Regulations, 2010; and that, since, the petitioner was performing teaching job, the said period of teaching, cannot be considered for the purpose of promotion to the post of Associate Professor and above.

12. On behalf of the respondent, it is contended that as per Regulation 10 of UGC Regulations, 2010, 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, provides for counting of past services for direct recruitment and promotion under Career Advancement Scheme (CAS), only if such candidates are involved in working Scientific/ Professional Organisations and not as a part time Lecturer; that since, the petitioner has been promoted to pay band of Rs.7,000/-, after completion of five years as per UGC norms apart from progression given to the next stage at pay band Rs.8,000/- with effect from 24.06.2015, the petitioner is not entitled for claiming the benefit of teaching experience while pursuing Ph.D. research programme for next level



promotion, as the same would amount to the petitioner enjoying double benefit.

WEB COPY

13. The learned Standing Counsel appearing on behalf of the second respondent, by placing reliance on the letter dated 01.03.2016, addressed to the Vice Chancellors of all Universities, whereby, the issue regarding counting period of active service spent on pursuing Ph.D. was considered by the second respondent at its 512th meeting held on 04.02.2016, submitted that the clarification dated 01.03.2016, clearly provides for counting of teaching experience while pursuing research degree i.e., acquiring Ph.D. degree simultaneously without any kind of leave for the purpose of direct recruitment/promotion to the post of Associate Professor and above; and that since, the petitioner claims to have joined as Assistant Professor and thereafter, having got himself enrolled for Ph.D., but on part time basis and working as Lecturer, simultaneously, his teaching experience cannot be considered for the purpose of promotion to the next avenue.

14. I have taken note of respective contentions.



15. For the purpose of resolving the issue involved in the present Writ Petition, it is necessary to refer to the clarification as issued by the second respondent under its letter dated 01.03.2016, which reads as under:-

“The period of active service spent on pursuing Research Degree i.e., for acquiring Ph.D. degree simultaneously without taking any kind of leave may be counted as teaching experience for the purpose of direct recruitment/promotion to the post of Associate Professor and above.”

The plain and simple reading of the aforesaid clarification does not leave any doubt, that the period of active service spent as a Lecturer/Assistant Professor, while pursuing research degree i.e., for acquiring Ph.D. degree, simultaneously, would have to be counted as teaching experience for the promotion to the post of Associate Professor and above, subject to condition that the candidate having not taken any kind of leave for the purpose of pursuing the research degree.

16. Admittedly, the petitioner, while being in active service as Assistant Professor in Economics with the first respondent/University had registered himself for pursuing Ph.D. degree on part time basis implying that the petitioner while being in active service had chosen to pursue the



research degree simultaneously and also having not taken any leave to pursue such research degree i.e., Ph.D. degree, the active service period of the petitioner as Assistant Professor of Economics would be eligible to be counted as teaching experience.

17. Though on behalf of the first respondent, it was sought to be contended that in terms of Regulations 10 of 2010, the clarification issued by the second respondent would be applicable only in respect of candidates who are involved in research work in scientific and professional organisation such as CSIR, ICAR, DRDO, UGC, etc., neither Regulation 10.1 of the Regulations nor the clarification issued by the second respondent would indicate the same being restrictive in nature. Regulation 10.1 of 2010 reads as under:-

10.1. Previous regular service, whether national or international, as Assistant Professor, Associate Professor or Professor or equivalent in a University, College, National Laboratories or other scientific/professional Organisations such as the CSIR, ICAR, DRDO, UGC, ICSSR, ICHR, ICMR, DBT, etc., should be counted for direct recruitment and promotion under CAS of a teacher as Assistant Professor, Associate Professor, Professor or any other nomenclature these posts are described as per Appendix-III – Table No.II provided that;



18. A reading of the aforesaid Regulations shows that it provides for counting of past regular service as Assistant Professor, Associate Professor or Professor or equivalent in a University, College, National Laboratory or other Scientific or Professional Organisation as mentioned therein, being counted for direct recruitment and promotion under Career Advancement Scheme of a teacher. The counting of past regular service under Regulation 10.1 is in relation to the post of Assistant Professor, Associate Professor or professor or equivalent in a University, College or other Scientific or Professional Organisation, but is not restricted to the Assistant Professor / Associate Professor/Professor working in other scientific and Professional Organisations mentioned in Regulation in 10.1 as sought to be contended by the first respondent. Thus, the contention of the first respondent is antithetical to the Regulation 10.1 and also contrary to the understanding of the second respondent which had issued the aforesaid clarification.

19. The first respondent, without considering the purport of Regulation 10.1 and the clarification dated 01.03.2016 as issued by the second respondent, had issued the impugned proceedings by applying the



erroneous interpretation, depriving the petitioner of his promotional avenue to the post of Associate Professor during the year 2007.

WEB COPY

20. Thus, the said proceedings cannot be sustained, as reflecting the correct understanding and purport of the clarification issued by the second respondent.

21. Insofar as the claim of the respondent that the petitioner having been granted promotion by considering teaching experience, and as such, considering the aforesaid experience for promotion to Associate Professor would amount to granting benefits twice, it is to be noted that the respondent, except contending as above, has not placed any material to show that the petitioner being promoted to any other position from the post of Associate Professor and thus, continues to work as Assistant Professor even till date. Mere placing the petitioner in a higher pay scale on account of grant of grade increment or period of service would not and cannot be considered as being promoted to the next level of promotional avenue. Thus, the said contention advanced on behalf of the respondent is without any merit and is thus, rejected.



Accordingly, this Writ Petition is allowed. The impugned proceedings dated 08.03.2019 is set aside and the first respondent is directed to consider the representation of the petitioner dated 20.03.2017 for being granted promotion to the post of Associate Professor within a period of eight weeks from the date of receipt of a copy of this order. No order as to costs.

29.10.2025

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

dh

To

1. The Periyar University,
Rep. by its Registrar,
University Campus,
Periyar Palkalai Nagar,
Salem – 636 011.
2. The University Grants Commission,
Rep. by its Secretary,
Bahadur Shah Zafar Marg,
New Delhi – 110 002.



WEB COPY

W.P.No.27715 of 2019



T. VINOD KUMAR, J.

dh

order made in
W.P.No.27715 of 2019

29.10.2025