



WP.No.30859 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2025

CORAM

THE HONOURABLE MS. JUSTICE R.N.MANJULA

W.P No.30859 of 2019

Dr.K.Saravanan,
S/o.Krishnasamy,
Asst.Librarian (Retd.),
Puducherry University,
Residing at No.123 & 124,
Annai Street, Anandha Nagar,
Lawspet, Puducherry 605 008.

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Petitioner

/vs/

1.The Registrar,
Pondicherry University,
Kalapet,
Puducherry.

2.The Deputy Registrar (Estt),
Pondicherry University,
R.V.Nagar, Kalapet,
Puducherry 605 014.

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Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus calling for the concern records relating to the order dated 23.07.2019 in Ref.No.PU/Estt(T)/ET-7/2019-20/288 passed by the 2nd respondent University herein and quash the same and consequently direct the respondents to grant the CAS Promotion to the petitioner with all consequential



WP.No.30859 of 2019

monetary and other attendant benefits.

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For Petitioner :Mr.K.Sathiyavel

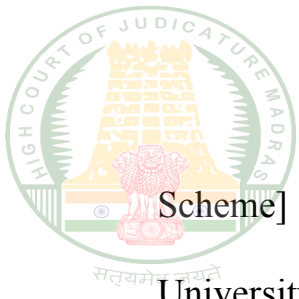
For Respondents :Mr.M.Ravi,
standing counsel for Pondicherry University.

ORDER

This writ petition has been filed to call for the records pertaining to the order dated 23.07.2019 in Ref.No.PU/Estt(T)/ET-7/2019-20/288 passed by the 2nd respondent University and quash the same and consequently, direct the respondents to grant the CAS Promotion to the petitioner with all consequential monetary and other attendant benefits.

2.Heard Mr.K.Sathiyavel, learned counsel for the petitioner, Mr.M.Ravi, learned standing counsel for Pondicherry University/ respondents and perused the materials available on record.

3.The petitioner joined Pondicherry University College of Education as a professional assistant on 07.09.1989, and he was subsequently promoted to assistant librarian on 31.03.2007. He was eligible for CAS [Carrier Advancement



WP.No.30859 of 2017

[Scheme] from Stage I to Stage II, i.e., Rs.7000/-. As per Clause 6.3.1 of the University Grants Commission [UGC] regularization, a teacher who wishes to be considered for promotion under CAS must submit their writing to the university or college 3 months in advance of the due date, stating that he/she fulfills all the qualifications under CAS along with the Performance Based Appraisal System (PBAS) proforma as evolved by the concerned university, duly supported by all credentials as per the API guidelines set out in the Regulations. In order to avoid delays in holding Selection Committee meetings for various positions under CAS, the university should immediately initiate the process of screening/selection and shall complete the process within six months from the date of the application. Further, in order to avoid any hardships, candidates who fulfil the qualification criteria as mentioned in three regulations dated 31.12.2008 and till now the date on which this regulation is notified can be considered for promotion from the date on or after 31 December 2008 on which they fulfill these eligibility conditions, provided as mentioned above.

4. The petitioner retired from service on 31.10.2016. The grievance of the petitioner is that his earlier representation given for claiming CAS has been rejected by citing Rule 6.3.9, which would mandate that the incumbent teacher



WP.No.30859 of 2013

must be on the role and active service of the universities/colleges on the date of consideration by the Selection Committee for Selection/CAS promotion.

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5. It is submitted by the learned counsel for the petitioner that the delay in requiring the petitioner to appear before the selection committee cannot be attributed to the petitioner; the delay was caused by the university itself, for which the petitioner cannot be penalized. Persons who are junior to the petitioner have been given CAS, but the benefit has not been extended to the petitioner.

6. Mr. M. Ravi, learned standing counsel for Pondicherry University, submitted that for the cause of action that is said to have arisen in the year 2013, the petitioner has filed this writ petition after he retired from service. Repeated and belated representations cannot be a ground to escape from the glitches/delays and latches. The petitioner has preferred this writ petition 7 years after the date of his initial representation and 3 years after the date of his retirement. When Rule 6.3.9 clearly stipulates that the teacher must be on the roll and in active service on the date of consideration for the selection committee for CAS promotion, the petitioner cannot be considered after his retirement. The university did not conduct CAS interviews for a very long time due to administrative reasons and



unavoidable situations. As the officiating vice chancellors are not able to take any policy decisions, there was a delay in conducting CAS interviews. The CAS for the university library staff could not be conducted by the university before retirement due to various administrative constraints and reasons. There is no right that has been accrued for the petitioner to seek a writ of mandamus of this nature.

7. The claim of the petitioner is that he became eligible to get CAS promotion as early as in the year 2012 itself. It is submitted that he made representations as per the stipulations of the regulations before 3 months, but the respondent university did not take a decision on the petitioner's application within the prescribed time limit of six months.

8. The respondents did not deny the fact that the university did not conduct CAS interviews for quite some time and that it affected even faculty members of many departments. The petitioner, who has given a representation, has been quietly watching the unfruitful developments till his retirement without seeking any directions from the Court. It is well within the knowledge of the petitioner that, as per Rule 6.3.9 of the UGC regulations, a person seeking CAS ought to be on the roll and in active service in the universities or in the colleges on the date



WP.No.30859 of 2019

of consideration by the selection committee for selection/CAS promotion.

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9. Firstly, the benefit of CAS is not a routine matter of right. It prepostulates a selection process. Just because the candidates have to appear before the selection committee meant for CAS promotion. A Rule has been prescribed under Rule 6.3.9 of the UGC regulations, that a person claiming CAS should be on the roll and in active service in the university on the date when the selection committee considers his request for selection. The petitioner has not come to the Court before attaining the age of superannuation in order to enable him to appear before the selection committee, in case he gets a direction of that nature from the Court.

10. As the petitioner's eligibility for CAS promotion during the period while he was in service cannot be evaluated or reviewed after his retirement. Since it is impossible and impractical such applications which are filed by the petitioner and persons similar to the petitioner, cannot be encouraged for the mere reason that the selection committee cannot consider their suitability after their retirement.



WP.No.30859 of 2019

11. However, the learned counsel for the petitioner submitted that a few persons who have retired from service have also been given with CAS benefits subsequent to their retirement, and hence, the benefit should be extended to the petitioner also. If the respondents opt to violate their own rules and accommodate a few persons according to their subjective satisfaction, such kind of abuse of power cannot be claimed as a legal entitlement for others.

In the result, this writ petition stands dismissed. There shall be no order as to costs.

24.02.2025

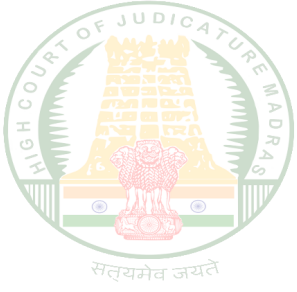
Index : Yes

Internet : Yes/No

Speaking : Non Speaking order

Neutral: Yes/No

jrs



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WP.No.30859 of 2019

R.N.MANJULA, J.
jrs

To

- 1.The Registrar,
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Kalapet,
Puducherry.
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W.P No.30859 of 2019

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