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W.P.No.32878 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.08.2025

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.32878 of 2025
and WMP.Nos.36844 & 36847 of 2025

E.Prabakaran

... Petitioner

Vs

The Registrar
University of Madras
Centenary Building
Chepauk, Chennai – 600 005.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of the respondent in its proceedings No.F1(A)/Estt/2025/007 dated 10.01.2025 and quash the same and consequently direct the respondents to sanction pension and other admissible terminal benefits to the petitioner by granting him Selection Grade in the post of Section Officer with effect from 09.04.2023 and grant all arrears along with interest at the rate of 12%.

For Petitioner : Mr.V.Vijay Shankar

For Respondent : Mr.P.Dinesh Kumar



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ORDER

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Challenging the order revising and re-fixing his pay on the basis of the audit objection, the petitioner seeks to challenge the impugned order dated 10.01.2025.

2. The brief facts which led to the filing of the writ petition is herein below set out :

- a) The petitioner had joined as Peon in the Office of the respondent-University and climbed up the ladder and ultimately held the post of Section Officer with effect from 09.04.2013. He was due for promotion as Assistant Registrar in the year 2018.
- b) On 18.08.2009, the Government of Tamil Nadu had issued G.O.Ms.No.107 (P&AR), in and by which, the degrees obtained through Open University was not recognised. Relying on the above G.O., the promotion of the petitioner and several others serving in the respondent-institution was withheld by the respondent-University.
- c) This was challenged by the petitioner and others by filing W.P.No.3257 of 2012. Pending the writ petition, the University vide



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its orders dated 21.11.2014 had informed the petitioner that since he was appointed much prior to the aforesaid G.O., and was already holding the post of Assistant Section Officer, he would be promoted to the post of Section Officer and accordingly by proceedings dated 21.11.2014, he was promoted as Section Officer with the pay scale of 15600-39100 +5400 GP.

- d) In the year 2018, when the petitioner's turn for promotion as Assistant Registrar has reached, the same issue popped up again and the respondent-University once again raised an objection with reference to the degrees obtained by the petitioner from the Open University. Therefore, the petitioner and others had approached this Court in W.P.No.14477 of 2019, wherein interim stay was granted retraining the respondent-University from making any promotions. However, despite the orders of this Court stalling the promotion activities in the respondent-University, the University had went ahead and promoted certain persons who are junior to the writ petitioner, as Assistant Registrars, by an order dated 23.12.2021.
- e) This was once again challenged by the petitioner and others in W.P.No.57 of 2022. Despite the Court ordering interim stay of the



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promotion activities, the University had granted promotions to the juniors overlooking the petitioner's seniority.

- f) On instructions, the above writ petition was tagged with the writ petitions and writ appeal batch dealing with similar issue, and the same was taken up for hearing by a Division Bench of this Court. The Division Bench in its order dated 08.03.2024 in W.A.No.997 of 2018 & batch etc., declined to accept the argument that the degrees obtained in the Open University was valid and therefore, the writ petitions and writ appeals claiming promotion on the basis of Open University degrees were dismissed. However, this Court, though had declined to grant promotion to Open University degree holders, it granted protection to those candidates, who had already been granted promotion, and directed that the benefits earned by them should not be recovered or disturbed.
- g) The petitioner continued as Section Officer from November 2014 and had also also received the pay attached to the post of the Section Officer, till his superannuation i.e., on 31.08.2024. However, on attaining his superannuation, the respondent University has not given him the retirement benefits.



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- h) While the petitioner was awaiting to receive the orders disbursing his pension and other terminal benefits due to him on his superannuation, to his shock, he received the impugned order of the respondent-University dated 10.01.2025, in and by which, the pay of the petitioner was reduced and re-fixed retrospectively with effect from 01.10.2014 and ordering consequential recovery thereof.

Aggrieved the impugned order, the petitioner is before this Court.

3. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent-University.

4. As submitted by the learned counsel for the petitioner, in paragraph No.72(iii) of the order passed in W.A.No.997 of 2018 & etc., batch, the Division Bench had observed as follows :

“72.(iii) As a sequel, the OUS Group candidates though not entitled for any promotion either functionally or notionally, their promotions already earned either in the year 2014 or in any other year, such promotions shall not be disturbed and whatever the benefits accrued on them or earned by them by virtue of such promotions also neither be disturbed nor be recovered.”



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This order has not been challenged by the respondent-University and therefore, they are bound by the same. There have been two orders of stay, both of which have been flouted by the respondent-University and the promotion list was forwarded. The petitioner herein had retired on 31.08.2024, and it is post his retirement, vide the impugned order dated 10.01.2015, the respondent-University had revised and refixed the pay of the petitioner with retrospective effect from 01.10.2014. The petitioner was not even given an opportunity to putforth his explanation.

5. Further, the Division Bench has also passed the orders stating that the promotions already granted in the year 2014 or in any other year, should not be disturbed and the benefits accrued to them or earned by them, by such promotions should not be disturbed, and also that there being no other proceedings pending against the petitioner, prior to his superannuation, the writ petition is disposed of with a direction to the respondent-University to consider the case of the petitioner by granting him pension and other terminal benefits in par with the pay scale drawn by the petitioner as Selection Officer, at the time of his superannuation, and also pay him the arrears amount if any along with



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interest as admissible in law, on or before 25.09.2025. No costs.

Consequently, connected miscellaneous petitions are closed.

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6. Post the matter for reporting compliance on 26.09.2025.

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Index : Yes / No

Neutral Citation : Yes / No
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To:
The Registrar
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P.T. ASHA, J.

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