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W.P.No.33577 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2025

CORAM

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

W.P.No.33577 of 2024

and

W.M.P.Nos.36368 & 36370 of 2024

Dr.S.Vijayakumar

..... Petitioner

Vs

The Registrar
Bharathiar University,
Coimbatore - 641 046.

..... Respondent

Prayer : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, call for the records of the respondent in his proceedings No.E/CAS Pro./20026-21/2023 dated 28.02.2023 to the extent that promotion is granted to the petitioner from the post of Assistant Professor stage-III to Associate Professor Stage - IV with effect from 28.02.2023 and to quash the same as being illegal and unsustainable in law and for a consequential direction to the respondent to revise the date of promotion from 28.02.2023 to 28.02.2021 and subsequent promotions with all attendant monetary and service benefits.

For Petitioner : Mrs.N.Kavitha Rameshwar
For Respondent : Mr.Calvin Jones
for M/s.Ajmal Associates



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ORDER

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This Writ Petition has been filed challenging the order dated 28.02.2023 passed by respondent, thereby allowing insofar as the promotion granted to the petitioner from the post of Assistant Professor Stage – III to Associate Professor – IV, with effect from 28.02.2023 instead of 28.02.2021.

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

3.The petitioner was appointed as Assistant Professor in the Department of Medical Physics in the respondent University on 28.02.2011. His service was regularised on 15.09.2015 and thereafter, his probation in the post of Assistant Professor was duly declared. Therefore, the petitioner is also eligible for counting of past service under the Career Advancement Scheme (hereinafter referred to as “CAS”). The petitioner had rendered past service as Post-Doctoral Fellow at Texas A&M University from 15.05.2007 to 21.03.2008. Thereafter, he also served as a Post-Doctoral Fellow at Department of Chemistry, Barllan University from 01.11.2008 to 30.10.2010. The said periods of past service are liable to be counted for promotion under the CAS. Accordingly, the petitioner’s



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application under the CAS for promotion from Assistant Professor Stage-I to Stage-II was considered and he was promoted from Stage-I to Stage-II with effect from 28.02.2013. Subsequently, the petitioner was promoted from Assistant Professor Stage-II to Stage-III with effect from 28.02.2018.

4.While being so, the Local Audit Fund of the respondent University raised audit objections, for which the petitioner submitted his reply. Thereafter, applications were called for from eligible faculty members for promotion. Accordingly, the petitioner submitted his application seeking promotion from the post of Assistant Professor Stage -III to Associate Professor Stage – IV and also participated in the interview conducted on 23.06.2022 and 24.06.2022. However, the petitioner was not considered for promotion on account of the audit objections raised by the Local Audit Fund regarding the grant of promotion under the CAS by taking into account past service. Therefore, the petitioner challenged the said audit report dated 05.02.2021 before this Court in W.P.No.18494 of 2022. This Court, by an order dated 27.03.2024, quashed the audit report. In view of the order passed by this Court, the respondent ought to have granted promotion to the petitioner to the post of Associate Professor. Even prior to the order passed by this Court, by an order dated 28.02.2023, the respondent had promoted the petitioner to



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the post of Associate Professor Stage-IV with effect from 28.02.2023. As per the order passed by this Court, the petitioner is eligible for promotion to the post of Associate Professor Stage-IV with effect from 28.02.2021.

5.It is relevant to extract the pertinent portion of the order passed by this Court in W.P.No.18494 of 2022, dated 27.03.2024, wherein this Court held as follows :

7. *Further the Hon'ble Division Bench of this Court in the judgment dated 20.10.2023 passed in W.A.No.224 of 2023 etc., batch in the case of Dr.R.Prabhakaran Vs. The Registrar, Bharathiar University and ors., held that even if the State government is a body that funds the university, the State government cannot under the guise of auditing the accounts of the University, interfere with the internal administration of the University, which power of the University includes the power to make appointments as well as further promotions. Therefore, the third respondent completely ignored the factual background as well as the circumstances in which the petitioner claims to be appointed as Assistant Professors in the respondent University under the UGC plan and more importantly, that it was beyond their power as well as jurisdiction under the Tamil Nadu Local Fund Audit Act, 2014 as well as under the Bharathiar University Act, 1981, to have raised objections with regard to the validity of the appointments*



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made under the UGC XI Plan. Further the UGC regulations of the year 2018 have also been adopted by the Government in G.O.Ms.No.5 Higher Education Department, dated 11.01.2021, wherein it has be reiterated the requirement of orientation and refresher course for promotion due under the CAS shall not be mandatory upto 31.12.2018. Hence, the impugned proceedings shall not be sustained and liable to be quashed.

8. Accordingly, the Audit Slip No.27 for the year 2019-2020 dated 05.02.2021, passed by the third respondent, is hereby quashed. Accordingly, this writ petition is allowed. Consequently, connected Miscellaneous petitions are closed. There shall be no order as to costs.

6. In view of the above, the impugned order dated 28.02.2023 passed by the respondent cannot be sustained insofar as it grants promotion to the petitioner from the post of Assistant Professor Stage – III to Associate Professor – IV with effect only from 28.02.2023. The petitioner is eligible to promotion with effect from 28.02.2021 instead of 28.02.2023. Accordingly, the respondent is directed to revise the date of promotion to the post of Associate Professor Stage-IV with effect from 28.02.2021, within a period of four weeks from the date of receipt of a copy of this order, and to disburse all the attendant and monetary benefits to the petitioner within a period of eight weeks, thereafter.



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7.In the result, this Writ Petition is allowed. Consequently, connected miscellaneous petitions are closed. No costs.

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Neutral citation :Yes/No
Index:Yes/No
Speaking/Non speaking
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To

The Registrar
Bharathiar University,
Coimbatore - 641 046.



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G.K.ILANTHIRAIYAN, J.

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