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W.P.No.115 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2025

Coram

THE HON'BLE MR JUSTICE C.V.KARTHIKEYAN

W.P.No.115 of 2024 &

WMP.No.122 of 2024

Dr.A.Sujatha

... Petitioner

-Versus-

1.The Principal Secretary to Government,
Higher Education Department,
Chennai.

2.The Director/Commissioner,
Directorate of Technical Education,
Chennai

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking Writ of Certiorarified Mandamus calling for the records relating to the impugned Government Order G.O.(Ms).No.117 dated 18.04.2023 passed by the 1st respondent insofar as not including the name of the petitioner for grant of promotion and quash the same and consequently, direct the 1st respondent to consider the petitioner for promotion to the post of Associate Professor in Mechanical Engineering.

For Petitioner : *Mr.T.Antony Arulraj*

For Respondent 1 : *Mr.C.Jayaprakash*
Government Advocate



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For Petitioner : Mr.T.Antony Arulraj

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ORDER

The writ petition has been filed in the nature of Certiorarified Mandamus seeking records relating to the Government Order in G.O.(Ms).No.117 dated 18.04.2023 passed by the 1st respondent, Principal Secretary to Government, Higher Education Department, Chennai and quash the same insofar as not including the name of the petitioner for grant of promotion to the post of Associate Professor in Mechanical Engineering.

2. The petitioner seeks that she should have been included in the list of candidates whose names had been included in G.O.Ms.No.117 dated 18.04.2023.

3. In the affidavit filed in support of this writ petition, the petitioner had contended that she had been appointed as an Assistant Professor on 20.07.2006 through the Teachers Recruitment Board and had been posted in Thanthai Periyar Government Institute of Technology, Vellore. She joined the duty on 31.07.2006. She possessed the qualification of B.E., in Mechanical Engineering



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and M.E., in Thermal Power Engineering. Thereafter, she sought permission to pursue Ph.D., and permission was also granted. She underwent Ph.D., course and completed the same and obtained necessary certificate for completion on 13.06.2022. Thereafter, in pursuance to the communication of the second respondent, the Director/Commissioner, Directorate of Technical Education at Chennai dated 03.03.2023, the petitioner also applied for being considered for the post of Associate Professor.

4. The petitioner was under the legitimate expectation, since she had completed her Ph.D., that her name would also be considered for such post. But however, in the impugned Government Order in G.O.Ms.117 dated 18.04.2023, though nearly about 36 candidates had been considered for promotion as Associate Professors, the petitioner was not considered. It is for that reason, raising objections, the present writ petition has been filed.

5. Instructions had been received from the respondents stating that the panel for the post of Associate Professor had been prepared as on 01.03.2022. It had been stated that the petitioner had completed her Ph.D., degree on 13.06.2022. For the post of Associate Professor, the qualifications were 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 and Ph.D. or equivalent, in appropriate



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discipline. It would effectively mean that the candidates must have passed B.E./B.Tech and also M.E./M.Tech in first class or if they are not so qualified for the said degree and post graduate degree in first class, they must have additionally qualified for Ph.D. degree.

6. When the panel was prepared for the year 2022-23, one requisite qualification is that the Ph.D., should have been obtained on or before 01.03.2022. The petitioner had obtained the Ph.D. degree only on 13.06.2022. Therefore, her name could not have been included in the panel which had been prepared on 01.03.2022. The challenge by the petitioner to the GO.Ms.No.117 dated 18.04.2023 is therefore misplaced as the petitioner was not qualified on the crucial date /01.03.2022. Therefore, the relief sought for by the petitioner cannot be granted. **The writ petition is dismissed.**

7. However a direction is issued to the respondents to consider the petitioner for promotion to the post of Associate Professor in Mechanical Engineering in the panel 2023-2024, if there is vacancy. If there is no vacancy, then in the next panel namely 2024-2025, the petitioner has to be considered for the post of Associate Professor, again if there is vacancy. Though the writ petition is dismissed, the said obligation is placed on the respondents.

No costs. Consequently, the connected miscellaneous petition is closed.



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Index : Yes/No

Speaking order/Non speaking order

Neutral Citation : Yes/No

To

1.The Principal Secretary to Government,
Higher Education Department,
Chennai.

2.The Director/Commissioner,
Directorate of Technical Education,
Chennai



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C.V.KARTHIKEYAN, J.

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