



W.P(MD).Nos.9851 & 9852 of 2023

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**ORDER RESERVED ON : 27.01.2025**

**ORDER PRONOUNCED ON : 17.03.2025**

**CORAM:  
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P.(MD).Nos.9851 & 9852 of 2023  
and  
WMP(MD).Nos.8680, 8682, 8684 and 25791 of 2023**

M.Ramalingam

....Petitioner in both writ petitions

Vs

1.The State of Tamil Nadu  
Represented by its Principal Secretary to Government  
Higher Education Department  
Fort St.George  
Chennai 600 009

2.The Director of Technical Education  
Directorate of Technical Education  
53, Sardar Patel Road  
Anna University Guindy  
Chennai 600 025.

3.The Screening Committee  
By its Chairman  
The Commissioner of Technical Education  
Guindy, Chennai 600 025.

4.The Principal  
Government Polytechnic College  
Papanasam, Thanjavur District



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5.The Treasury Officer  
District Treasury  
New District Collector Officer  
Tanjore

....Respondents in both writ petitions

**Prayer in WP(MD).No.9851 of 2023 :** The Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the letters having reference letter No.4083/P3/2019 dated 09.03.2023 issued by the 2<sup>nd</sup> respondent addressed to 4<sup>th</sup> respondent and the consequential letter having reference letter No.75/E1/2022 dated 28.03.2023 issued by the 4<sup>th</sup> respondent addressed to 5<sup>th</sup> respondent to quash the same and consequently directing the 2<sup>nd</sup> respondent to pay all gratuity and other retirement benefits to the petitioner without deducting any amount much less the amount mentioned in the impugned letters.

**Prayer in WP(MD).No.9852 of 2023 :** The Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the report dated 22.03.2022 submitted before the second respondent by the Screening-Cum-Evaluation Committee and quash the same.

For Petitioner : M/s.Nalini Chidambaram  
Senior Counsel for  
Mr.S.Karthik in both the writ petitions

For Respondents : Mr.Veera.Kathiravan  
Additional Advocate General  
Assisted by Mr.N.Satheesh Kumar  
Additional Government Pleader  
in both the writ petitions.

### **COMMON ORDER**

Both these writ petitions have been filed by a retired Selection Grade



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Lecturer (Mathematics) in a Government Polytechnic College.

WEB COPY 2.WP(MD).No.9851 of 2023 as been filed challenging the order of recovery passed by the Director of Technical Education dated 09.03.2023 and the consequential order passed by the Principal of Government Polytechnic College, Papanasam and seeking a direction to the Director of Technical Educational to release monetary benefits without any deduction.

3.WP(MD).No.9852 of 2023 has been filed challenging the Screening Cum Evaluation Committee report submitted to the second respondent on 22.03.2022 prepared by the third respondent wherein the petitioner has been found ineligible to move from Stage-2 to Stage-3 under Career Advancement Scheme.

4.Since the issue involved in both the writ petitions raise common questions, the writ petitions are tagged together and a common order is being passed.

**(A)Facts leading to the filing of these present writ petitions are as follows:**

5.The writ petitioner herein was initially appointed as an Instructor in a Non-engineering subject, namely mathematics on 29.02.1988 in a Government Polytechnic College. The Government had taken a policy decision to abolish the post of Instructor. In order to implement the said policy decision, G.O.Ms.No.534 Higher Education (C2) Department dated



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19.11.2004 was passed wherein 236 Instructor were upgraded as Lecturers. A perusal of the said Government Order reveals that all the Instructor post were upgraded as Lecturer post and the incumbent Instructors who are having B.E., 1<sup>st</sup> Class qualification will be promoted as Senior Lecturers with effect from 19.08.1989. However, their pay in the promoted post to be fixed only from the date of issuance of the order namely 19.11.2004. The name of the petitioner is found in Sl.No.23 in the above said Government Order.

6.The Government of Tamil Nadu issued G.O.Ms.No.244 Higher Education (C2) Department dated 27.07.2006 regularising the services of the writ petitioner in the cadre of Lecturer with effect from 19.08.1989. The petitioner's name is found in Sl.No.86 in the above said Government Order.

7.A doubt arose whether the Instructors who were promoted as Senior Lecturers with effect from 19.11.2004 could be upgraded to the next higher post with effect from the initial date of appointment namely 09.08.1999 or from the date of upgradation namely 19.11.2004.

8.The Secretary to Government, Higher Education Department issued a Clarificatory Letter on 20.11.2008 clarifying that the pay of upgraded Lecturers shall be fixed in the upgraded post only with effect from 19.11.2004 and they will not be entitled to any arrears of pay or any notional fixation with effect from 19.08.1999 onwards. The Government had made it clear that all the monetary benefits arising out of promotion from the post of



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Instructors to the post of Senior Lecturers could be calculated only from 19.11.2004, though their services were regularized as Senior Lecturers with effect from 19.08.1989.

9. Based upon the upgradation to the post of Lecturer from the post of Instructor, the petitioners herein was fixed in the pay band of Rs.10,000/- with effect from 19.11.2004 by way of proceedings of the Commissioner of Technical Education dated 20.04.2009. It was further clarified in the said letter that the Lecturers who are promoted from the post of Instructors would be holding the post of “Upgraded Senior Lecturer” and it is not equivalent to the regular post of “Senior Lecturer”.

10. All India Council for Technical Education (AICTE), published pay scales, service condition and qualification for teachers and other technical staff in technical institution (Diploma Regulation 2010) by way of notification dated 05.03.2010. Consequence to AICTE notification, the Government of Tamil had issued G.O.Ms.No.111 Higher Education (C2) Department dated 25.05.2010 laying down various guidelines for pay fixation as per AICTE Notification.

11. A perusal of the said Government order reveals that if a Senior Lecturer had completed 5 years of service in the pay band of Rs.10,000-325-15200/- in the grade pay of Rs.7000/-, he will move to proposed pay scale of Rs.15600-39000+ AGP Rs.8000/-.



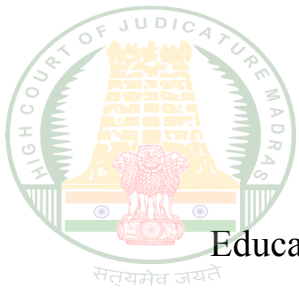
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12.As per Clause 1(a)(ix), if a Lecturer has completed 5 years of service with AGP of Rs.7000/-, he shall be eligible to move up to AGP Rs. 8000/- subject to other requirements laid down by AICTE. The other requirements mentioned in Clause-1 (xvi) is that all the advancement in the higher grade pay will be effected subject to completion of two AICTE approved refresher programme of not less than two weeks duration each and two one week each TEQIP sponsored programmes.

13.As per G.O.Ms.No.111 dated 25.05.2010 (implementing AICTE Regulation 2010) revised pay scale will take notional effect from 01.01.2006 with monetary benefits from 01.01.2007.

14.All India Council for Technical Education issued a notification on 08.11.2012 laying down guidelines for conferment for Career Advancement Scheme for the technical staff in the teaching institution. As per Clause 2.5 of the said Notification, CAS promotion from a lower grade to a higher grade of Lecturer/Lecturer (Senior scale) shall be conducted by a 'Screening-cum-Evaluation Committee' adhering to the criteria laid out as API score in Performance Based Appraisal System (PBAS) in the Tables of Appendix-I. In order to implement AICTE Notification, the Government of Tamil Nadu issued G.O(Ms).No.58, Higher Education (C2) Department, dated 21.03.2018.

15. On 28.09.2020, the Principal Secretary to Government, Higher



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Education Department has addressed a communication to the writ petitioner wherein he was not permitted to on a voluntarily retirement on the ground that the petitioner having not appeared before Screening-cum Evaluation Committee and no orders have been passed by the Director of Technical Education conferring career advancement, the petitioner has moved to higher level merely based upon the orders of the Principal of the College. Therefore, the petitioner is expected to refund more than Rs.20,00,000/- and in such circumstances, unless the said amount repaid to the Government, he would not be permitted to go on voluntary retirement.

16.The petitioner and others have challenged the order of recovery and re-fixation of pay passed by the authorities concerned before this Court in a batch of writ petitions. The petitioner had filed W.P.No.16234 of 2020. The learned Single Judge had segregated the batch of writ petitions into two groups. The petitioner falling under batch-I, has been issued with recovery orders without hearing the objections on the side of the concerned individual. Therefore, this Court was pleased to pass an order on 10.03.2022 directing the authorities to keep recovery orders in abeyance till the Screening Committee takes a decision, after affording due opportunity to the petitioner and fresh orders are passed by the competent authority.

17.Pursuant to the liberty granted by this Court, the petitioner has appeared before Screening-cum Evaluation Committee. The Screening-cum



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Evaluation Committee after considering the objections raised by the writ petitioner has found that the petitioner is not eligible to move from Stage-2 to Stage-3 of the Career Advancement Scheme and therefore, any disbursement order at the level of Principal of the College, has to be recovered. The Screening Committee had further found that the petitioner has not completed required number of years of service for moving from Stage-3 to Stage-4 and he has also not undergone the training as contemplated under AICTE Regulation and the Government Order. This Screening Committee report is under challenge in WP(MD).No.9852 of 2023.

18. Based upon the Screening Committee report, the Director of Technical Education had issued a communication to the Principal of College on 09.03.2023 to recover a sum of Rs.42,54,131/- from the writ petitioner. The Principal of the College had issued a consequential proceeding on 28.03.2023, wherein a sum of Rs.20,00,000/- has been recovered from the gratuity amount and the petitioner was informed that the balance amount shall be recovered from his pension and other monetary benefits. These two orders are under challenge in WP(MD).No.9852 of 2023.

**(B) Submissions of the counsels appearing on either side are as follows:**

19. The learned Senior Counsel appearing for the writ petitioner in both the writ petitions has submitted that as per Clause (ix) of AICTE Regulations,



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2010, the Lecturers who have completed five years with AGP of Rs.7000/- shall be eligible to move up to the AGP of Rs.8000/-.The petitioner herein was eligible as on 01.01.2006 to be promoted as Lecturers (Selection Grade) and he was fixed in the pay band of Rs.15600-39000+ AGP 8000. After three years in the pay band of AGP Rs.8000/-, the petitioner become eligible for Rs.37000-67000 + AGP 9000 with effect from 01.01.2009.

20.The learned Senior Counsel for the petitioner had further contended that the Principal, Government Polytechnic College, Korukkal, Thirutharaipoondi, Thanjavur District by his proceedings dated 05.11.2011 had erroneously fixed the petitioner in the pay band of Rs.15600-39100+AGP 8000 as on 26.10.2008 and after completion of three years in the said pay band, the petitioner was moved to the pay band of Rs.37400-67000+AGP 9000 only on 27.10.2011. This proceedings is contrary to AICTE Regulation 2010 in view of the fact that the petitioner was eligible to be promoted as Lecturer (Selection grade) as early as on 01.01.2006 since he had completed five years as Senior Lecturer with effect from 01.01.2006.

21.The Director of Technical Education has addressed a communication to the Principal of Government Polytechnic College, Papanasam on 18.01.2023 directing the petitioner to appear before the Screening-cum-Evaluation Committee on 22.03.2022. However, the Screening Committee erred in law in holding that the petitioner has not



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completed training programme or released publications as per AICTE Regulations, 2012 and clarifications issued in AICTE Regulations, 2016. The Committee arrived at an erroneous finding that the petitioner is not eligible to progress AGP 8000 or AGP 9000.

22.The learned Senior Counsel had further contended that there is no stipulation in AICTE Notification dated 05.03.2010 that the Lecturers should complete Training and make Publications for being eligible to progress to the next AGP. Only in AICTE, notification dated 08.11.2012 , the training courses and publications were necessary for AGP progressions. Therefore, any monetary benefit granted to the writ petitioner on the basis of AICTE Notification dated 05.03.2010, cannot be said to be in excess and sought to be recovered based upon a subsequent Notification dated 08.11.2012.

23.The learned Senior Counsel had further relied upon Clause (ix) and (xii) of G.O(Ms).No.111, Higher Education (C2) Department dated 25.05.2010 and Clauses (e) and (f) of G.O.Ms.No.58, Higher Education (C2) Department dated 21.03.2018 and contended that the question of undergoing training or publication are not mandatory.

24.The learned Senior Counsel had further relied upon Clause 45 of the clarification notification issued by AICTE and contended that the period specified in the AICTE Regulations, 2010 for upward movement of Lecturer from AGP of Rs.7000 to AGP of Rs.8000 shall be counted from the date of



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placement of Lecturer in the corresponding pre-revised pay scale. In view of AICTE Notification, the letter of Principal of Government Polytechnic College, Papanasam dated 18.01.2023 relying upon the committee report that the petitioner has not completed training programme or released publication is untenable.

25.The learned Senior Counsel had further pointed out that the Training Programme or Publication is not applicable to the writ petitioner since the said criterion was set out only in 2012 AICTE Regulations. The learned Senior Counsel had further contended that in view of the above said statutory provisions, the letter issued by the Director of Technical Education to the Principal, Government Polytechnic College, Papanasam on 09.03.2023 to direct the writ petitioner to remit a sum of Rs.42,54,131/- is liable to be set aside. At no point of time, any excess salary or other monetary benefits in the Career Advancement Scheme was paid to the writ petitioner. In such circumstances, the question of repayment or any recovery from the writ petitioner does not arise.

26.The learned Senior Counsel appearing for the writ petitioner had further contended that the Screening-cum-Evaluation Committee had failed to appreciate the fact that only in AICTE Regulations 2012 dated 08.11.2012 requirement of training programme is mandated. However, the training programme is not necessary since the criterion was set out only in 2012



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AICTE Regulations and the petitioner was eligible to progress to AGP 8000 and AGP 9000 much before 2012 AICTE Regulations. The learned Senior Counsel relied upon the orders of the Principal Bench of this Court dated 06.03.2024 in Batch of writ petitions in W.P.No.7135 of 2020 etc., batch cases wherein this Court has allowed the writ petitions.

27.Per contra, the learned Additional Advocate General appearing for the respondents herein had contended that the AICTE Notification of the year 2010 itself prescribes certain qualifications for moving from one grade to other grade pay. The said mandatory requirements have been reiterated in G.O(Ms).No.111 Higher Education (C2) Department dated 25.05.2010 in Clause (xvi) Appendix-I. Therefore, the contention of the writ petitioner that the mandatory training and publication were introduced for the first time in AICTE Regulation of the year 2012 is not factually correct.

28.The learned Additional Advocate General appearing for the respondents had further contended that the petitioner was only upgraded as Lecturer from the post of Instructors with effect from 19.08.1999 in the pay scale of Rs.8000-275-13500. Later the petitioner was re-designated as “Upgraded Senior Lecturer” with effect from 26.10.1999 in the pay band of Rs.10000-325-15200/-. According the learned Additional Advocate General, the appointment of the petitioner as a Lecturer and “Upgraded Senior Lecturer” are only re-designations and not promotion. According to him, with



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effect from 19.11.2004, the petitioner was brought within the pay band of

Rs.10,000-325-15200/-.

29. According to the learned Additional Advocate General, when AICTE Regulations 2010 came into force, the petitioner was only an Instructor and he was not a Lecturer. The petitioner was not offered any grade pay at that point of time. Only if the petitioner has completed five years of service in AGP of Rs.7000/-, he would be eligible to move to AGP of Rs.8000/- after satisfying certain requirement laid down by AICTE. The petitioner having not satisfied AICTE norms of undergoing refresher course, he cannot move from AGP Rs.7000/- to AGP Rs.8000/-. However, as per service records, the petitioner has moved from AGP 8000/- with effect from 31.08.2010 and to AGP 9000 with effect from 27.10.2011 on the basis of the orders passed by the Principal of the concerned College. Therefore, the benefits conferred upon the writ petitioner were not in consonance with AICTE Regulations.

30. The learned Additional Advocate General had further contended that as per AICTE Regulation 2012, the Screening-cum-Evaluation Committee is contemplated for CAS promotion and for movement from one AGP to a higher AGP. The petitioner has appeared before Screening-cum-Evaluation Committee pursuant to the orders of this Court and the Evaluation committee has found that the petitioner has not qualified for movement from



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one AGP to other AGP. In such circumstances, the order of recovery was

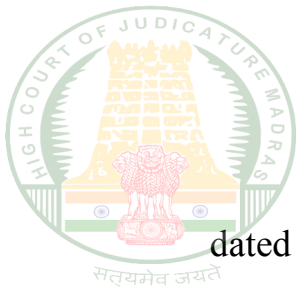
revived by the authority.

31.The learned Additional Advocate General had further contended that the report of the Screening-cum-Evaluation Committee cannot be challenged before this Court. They have strictly followed the guidelines laid down by AICTE Regulations of the year 2012. The performance of the writ petitioner in the light of the guidelines of AICTE have been assessed by academicians. Such a report cannot be challenged before the Court of law. The learned Single Judge in WP(MD).No.1661 of 2020 batch cases dated 10.03.2022 had directed Batch-II petitioners to approach the appropriate Appellate Authority on the ground that they had an opportunity to place their objection before the Screening Committee. The petitioners though had fallen within Batch-I of the above said writ petition, the Court having granted an opportunity to place his objection before the Screening Committee, should only approach the competent Appellate Authority and not this Court, challenging the Evaluation Report. Hence, he prayed for dismissal of both the writ petitions.

32.I have considered the submissions made on either side and perused the material records.

**(C)Discussion:**

33.The claim of the writ petitioner is based upon AICTE Notification



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dated 05.03.2010. As per the said notification, if a Lecturer (senior scale) who is in the pre-revised pay scale of Rs.10,000-15200/-, he shall be fixed at the appropriate stage in pay band of Rs.15600-39100 based on their present pay with Academic Grade Pay (AGP) of Rs.7000/- as per Clause-I (viii) of the above said notification.

34.A perusal of the records of the writ petitioner reveal though the petitioner was appointed as a Lecturer with effect from 19.08.1989, his pay scale was fixed as a Lecturer only with effect from 19.11.2004 as per G.O.Ms.No.534 Higher Education (C2) Department, dated 19.11.2004 in the pay scale of Rs.8000-275-13500/-. The petitioner was appointed as an Upgraded Senior Lecturer with effect from the same date namely 19.11.2004 and in the pay band of Rs.10000-325-15200/-. Therefore, when AICTE Notification was issued on 05.03.2010, the writ petitioner was in the pay band of Rs.10000-325-15200.

35.The Government of Tamil Nadu had issued G.O(Ms).No.111 Higher Education (C2) Department dated 25.05.2010 in order to implement AICTE Notification dated 05.03.2010. As per Clause-(M) of the said Government Order, the benefits of AICTE Notification 2010, though it will take notional effect from 01.01.2006, monetary benefit will start flowing only from 01.01.2007. As per Clause-(N) of the above said Government Order, the arrears accruing from 01.01.2007 will be released in three equal annual



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instalments. Therefore, it is clear that the petitioner would be eligible to receive academic grade pay of Rs.7000/- only with effect from 01.01.2007.

36.As per Clause-1(ix) of AICTE Notification 2010, only if a Lecturer has completed five years of service with AGP of Rs.7000/-, shall be eligible (subject to other requirements laid down by AICTE) to move up to the AGP of Rs.8000/-. The petitioner being eligible to Rs.7000/- AGP only from 01.01.2007, becomes eligible to move to the next AGP of Rs.8000/- only on 01.01.2012 (after completion of five years in AGP of Rs.7000/-).

37.As per Clause-1(xvi) of AICTE Notification 2010, all the advancements to higher grade pay in various cadres will be effected subject to completion of two AICTE approved refresher programs of not less than two weeks duration each and two one week each TEQIP sponsored programs. Therefore, it is clear that if a Lecturer wishes to move from AGP of Rs.7000/- to AGP of Rs.8000/-, he has to satisfy the conditions laid down in AICTE Notification. This Clause found in AICTE Notification 2010 is reiterated in G.O.(Ms).No.111, Higher Education Department dated 25.05.2010 which was issued for implementing AICTE Notification dated 05.03.2010.

38. AICTE issued another Notification on 08.11.2012. As per the said Notification, a Screening-cum-Evaluation Committee was constituted for CAS promotion from lower grade to a higher grade adhering to the criteria laid out as Academic Performance Indicator (API) in Performance Based



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Appraisal System (PBAS). A faculty member who wishes to consider for promotion under CAS has to submit in writing to the State Government/ College within three months in advance as to the effect whether he or she fulfils all qualifications under CAS with duly supported credentials. This Screening-cum-Evaluation-Committee was formed only to evaluate and assess whether a faculty member has fulfilled pre-condition/criteria as laid down in Clause-1(xvi) of AICTE Notification dated 05.03.2010. This committee consisting of academicians was formed under AICTE Notification 2012 in order to see that the requirements laid down in AICTE Notification 2010 are objectively assessed by the academicians of the concerned subject.

39. The learned Senior Counsel appearing for the writ petitioner had contended that the Screening-cum-Evaluation Committee has been formed for the first time under AICTE Notification 2012 and therefore, when the writ petitioner has already moved from AGP of Rs.7000/- to AGP of Rs.8000/- in the year 2006, based on the Screening-cum-Evaluation Committee, recovery orders cannot be passed.

40. Though the Screening-cum-Evaluation Committee was formed only under AICTE Notification 2012, it was formed to assess whether the qualification laid down in AICTE Notification 2010 has been fulfilled or not. Hence, if a faculty member has not fulfilled the precondition laid down in AICTE Notification 2010, he cannot contend that the Screening Committee



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has no jurisdiction to consider or reevaluate the criteria laid down under

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41.As pointed out in the previous paragraph, Clause-i(xvi) of AICTE Notification 2010, lays down two criteria for moving from one grade to the next higher grade. Admittedly, the petitioner has not undergone two AICTE approved refresher courses of not less than two weeks duration each and two one week each TEQIP sponsored programs for moving from AGP of Rs. 7000/- to AGP of Rs.8000/-. Therefore, the contention of the learned Senior Counsel appearing for the writ petitioner that there was no pre-condition in AICTE Notification 2010 for undergoing refresher courses is not factually correct.

42.A perusal of the records reveal that the petitioner was granted AGP of Rs.7000/- with effect from 01.01.2006 onwards as per the proceedings of the Principal of the concerned College. It is to be noted that the Academic Grade Pay was introduced for the first time only under AICTE Notification dated 05.03.2010. The Government of Tamil Nadu had issued G.O.(Ms).No. 111, Higher Education Department dated 25.05.2010 for implementing AICTE Notification 2010. As per the said Government Order, the monetary benefit arising out of AICTE Notification 2012 would start flowing only from 01.01.2007. Therefore, the order of the Principal of the College granting AGP of Rs.7000/- with effect from 01.01.2006 is not legally sustainable. A perusal



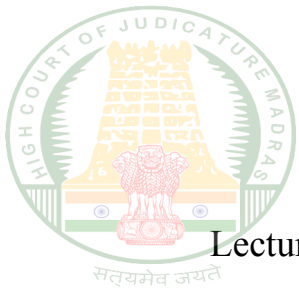
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of the Service Register further reveals that the petitioner has moved to AGP of Rs.8000/- with effect from 27.10.2008 onwards in the pay scale of Rs.15600-39100/- on the ground that he had been upgraded as Head of the Department.

43.As per Serial No.6 of Schedule-II to G.O.(Ms).No.111 dated 25.05.2010, the Upgraded Head of Department would be eligible to receive Rs.8000/- AGP only if he was in the pre-revised pay scale of Rs.12000-18300/- as on 01.01.2006. However, even as on 01.01.2007, the petitioner was only in the pay band of Rs.10000-325-15200/-. Therefore, the granting of AGP of Rs.8000/- with effect from 27.10.2008 onwards is also not legally sustainable.

44.The petitioner has moved to AGP of Rs.9000/- with effect from 27.10.2011. As per Serial No.5 of Schedule-II of G.O(Ms).No.111, a faculty can receive AGP of Rs.9000/- only if he is a Lecturer (selection grade) and completed three years of service in the pre-revised scale of Rs.12000-18300/- as on 01.01.2006. As noted above, the petitioner was not in the pay scale of Rs.12000-18300/- as on 01.01.2006 or completed three years in the said pay scale as on 01.01.2006. In such circumstances, the conferment of AGP of Rs.9000/- to the petitioner with effect from 27.10.2011 is also not legally sustainable.

45.The petitioner has attained superannuation on 30.06.2022 as

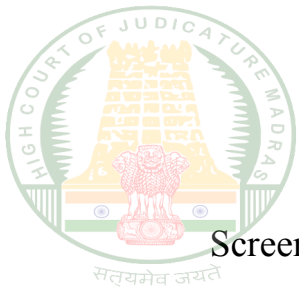


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Lecturer Section Grade upgraded as Head of the Department. Therefore, the petitioner does not fall within Grade-'C' or Grade-'D' group of employees who are exempted from recovery orders, in case if it is found that any excess payment has been made to them without any misrepresentation on their part. In such circumstances, the order of recovery passed by the authorities cannot be found fault with.

46.In WP(MD).No.9852 of 2023 the report of the Screening Committee has been challenged primarily on the ground that such a Screening Committee was not contemplated under AICTE Notification 2010. It is also contended on the side of the writ petitioner that no precondition or eligibility criteria has been laid down in AICTE Notification 2010 and therefore, the Screening-cum-Evaluation Committee under AICTE Notification 2012 will not be applicable to the writ petitioner.

47.The recovery orders passed by the authority concerned were earlier put to challenge by the writ petitioner and others in WP.(MD).No.1661 of 2019 etc batch cases. This Court by an order dated 10.03.2022 had directed the writ petitioner and others to appear before the Screening Committee for evaluation. The said order has not been challenged by the writ petitioner. On the other hand, in compliance with the order of this Court dated 10.03.2022, the writ petitioner has appeared before the Screening-cum-Evaluation Committee and has suffered an order. Therefore, jurisdiction of the

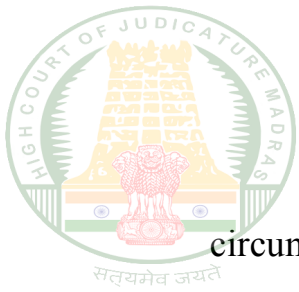


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Screening-cum-Evaluation Committee cannot now be challenged in the present writ petition.

48.As already pointed out, the Screening-cum-Evaluation Committee was formed under AICTE Notification 2012 only to assess whether a faculty has fulfilled all the preconditions/criteria as laid down in AICTE Notification 2010. The petitioner, having not fulfilled the condition under AICTE Notification 2010 for moving from one grade to the next grade, cannot contend that the Screening-cum-Evaluation Committee cannot evaluate the mandatory requirements as called for under AICTE Notification 2010.

49.A perusal of the Screening Committee report reveals that though the petitioner has completed five years of service in Stage-2, he will not be eligible to move to Stage-3 on the ground that the petitioner has not completed two AICTE approved refresher programs of not less than two weeks duration each and two one week each TEQIP sponsored programs. This finding of the Screening Committee is only based upon the requirements laid down in AICTE Notification 2010 and not as per AICTE Notification 2012. The Screening Committee has further found that the petitioner having been not qualified to move from Stage-2 to Stage-3, consequentially he will not be entitled to move from Stage-3 to Stage-4 also. Therefore, it is clear that the Screening Committee report is only based upon the mandatory requirements as per AICTE Notification 2010. In such



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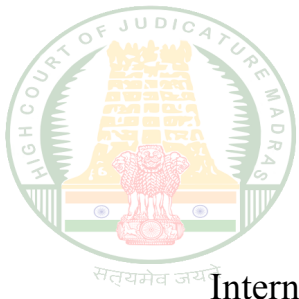
circumstances, the attack made to the Screening Committee report is also not

legally sustainable.

50.The learned Senior Counsel appearing for the writ petitioner had contended that this Court while considering the similar issue in W.P.Nos. 7135 of 2020 etc. batch cases, has allowed the writ petitions. The learned senior counsel also pointed out that WP.Nos.31577, 31579 and 26232 of 2023 have been allowed by this Court following the judgment in W.P.Nos.7135 of 2020 etc.batch cases. However, the learned Additional Advocate General appearing for the respondents had contended that the writ appeal is pending before the Hon'ble Division Bench in W.A.No.3093 of 2024 against the order in W.P.No.7135 of 2020. The recovery orders have been passed by the authorities based upon the service particulars of each individual faculty member. Therefore, the validity or otherwise of a recovery order would depend upon the facts and circumstances of the case. Hence, the orders passed in other writ petitions cannot be cited as a precedent in the present case.

51.In view of the above said deliberations, there are no merits in the writ petitions. Both the writ petitions stand dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

**17.03.2025.**



W.P(MD).Nos.9851 & 9852 of 2023

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Internet : Yes/No  
Index : Yes/No  
NCC : Yes/No  
msa

To

1.The Principal Secretary to Government  
The State of Tamil Nadu  
Higher Education Department  
Fort St.George  
Chennai 600 009

2.The Director of Technical Education  
Directorate of Technical Education  
53, Sardar Patel Road  
Anna University Guindy  
Chennai 600 025.

3.The Screening Committee  
By its Chairman  
The Commissioner of Technical Education  
Guindy, Chennai 600 025.

4.The Principal  
Government Polytechnic College  
Papanasam, Thanjavur District

5.The Treasury Officer  
District Treasury  
New District Collector Officer  
Tanjore



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W.P(MD).Nos.9851 & 9852 of 2023

**R.VIJAYAKUMAR, J.**

msa

Pre-delivery common order made in

W.P.(MD).Nos.9851 & 9852 of  
2023 and WMP(MD).Nos.8680,  
8682, 8684 and 25791 of 2023

17.03.2025