

W.P.(MD).No.11697 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 02.09.2025

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD)No.11697 of 2025

and

W.M.P(MD)No.8636 of 2025

Dr.T.Arumuga Maria Devi

...Petitioner

Vs

1.The State of Tamil Nadu,
Represented by the Principal Secretary to Government,
Higher Education Department,
Chennai - 600009.

2.The Registrar,
Manomaniam Sundaranar University,
Abhishekapatti,
Tirunelveli – 627012.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Mandamus, directing the second respondent not to grant appointment or promotion to any person for the post of associate Professor in the second respondent University till the outcome of the High Level Committee's decision on the audit objection in respect of the petitioner.



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For Petitioner : Mr.R.J.Karthick
For R1 : Mr.N.Satheesh Kumar
Additional Government Pleader
For R2 : Mr.Mahaboob Athiff
Standing Counsel

ORDER

This writ petition has been filed for a writ of Mandamus to direct the second respondent not to grant appointment or promotion to any person for the post of Associate Professor in the second respondent University till the outcome of the High Level Committee's decision on the audit objection in respect of the petitioner.

2. The learned counsel for the petitioner submits that the petitioner was originally appointed as a temporary Lecturer in the second respondent University and thereafter pursuant to a notification issued by the second respondent for appointment of Lecturers in the Centre for Information Technology and Engineering, she was appointed on a regular basis on 28.02.2008 and completed her probation in the year 2010. she was further called for an interview for promotion under the Career Advancement Scheme on 14.08.2013 and posted as Assistant



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Professor (Stage II) under the said Scheme. She was posted as Assistant Professor (Stage III) and became eligible for promotion to the post of Associate Professor under the said Scheme.

3.To her shock, the petitioner received a show cause notice dated 15.05.2023, alleging that the pay drawn by her was erroneous and unjustified on account of the audit objections based upon the direction issued by the State Government in that regard. On receipt of such show cause notice, she also submitted her explanation.

4.As per the Career Advancement Scheme, the petitioner was entitled to be promoted as Associate Professor on 24.12.2020. However, the audit objection alone is being put against the petitioner, which is also said to have been under consideration of the High Level Committee formed by the Government in that regard.

5.He would further submit that the petitioner had earlier approached this Court in W.P(MD)No.26187 of 2023 challenging the said show cause notice. By order dated 02.11.2023, this Court directed the second respondent to consider the explanation of the petitioner and



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pass appropriate orders within a period of eight weeks from the date of

receipt of a copy of the order.

6.As no orders were passed, the petitioner was constrained to file a contempt petition in Cont.P(MD)No.145 of 2024. When the contempt petition was taken up for hearing, a communication dated 13.05.2024 was placed indicating that the case of the petitioner had been referred to the High Level Committee formed by the Government. Recording the same, the contempt petition was closed with liberty to the petitioner to challenge the said Communication.

7.He would further submit that the persons junior to the petitioner are being promoted as Associate Professor and when it happens, the petitioner under the Career Advancement Scheme would be affected. Hence she sought for a direction to the second respondent not to grant appointment or promotion to any person to the post of Associate Professor to which the petitioner is entitled to as early as in the year 2020 till the outcome of the High Level Committee.



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8. Countering his argument, the learned Standing Counsel for the

second respondent submits that there has been wrong drawal of salary by the petitioner, which has been pointed in the audit objections. He would further submit that since issue is arose on the audit objections which were made pursuant to the letter issued by the Government, the Government formed a High Level Committee to consider such audit objections and the explanation given by the respective persons.

9. He would further submits that this Court had granted liberty to challenge the communication dated 13.05.2024. Without challenging the same, the petitioner had approached this Court with a prayer which would affect not only the University but also the students studying at the University. As and when the High Level Committee takes a decision, the claim of the petitioner would be considered in accordance with law. Therefore, he prays this Court to dismiss the writ petition.

10. I have considered the submissions made by the learned counsels appearing on either side.



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11.The factotum of the petitioner having being conferred with the benefits under the said Scheme has not been disputed. The petitioner's eligibility for further Career Advancement Scheme has also not been disputed. But the issue is with regard to the audit objections which has been pointed out against the petitioner.

12.Admittedly, the case of the petitioner relating to the audit objections raised are pending consideration before the High Level Committee constituted by the Government. If the prayer sought for is granted not only the institution but also the students studying in the said institution would being left high and dry without a proper instructor on the subject.

13.Considering the fact that the petitioner is otherwise eligible if the explanation of the petitioner is accepted and the audit objections are over ruled by the High Level Committee then the petitioner cannot be denied her rightful career advancement for which the reason such scheme was envisaged by the UGC. If such scenario happens, then the petitioner should be given retrospective career advancement along with other monetary benefits accrued thereon.



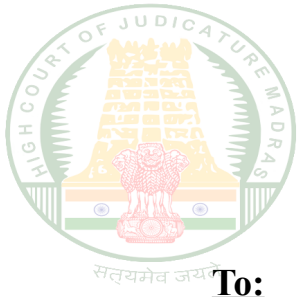
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WEB COPY 14.For the aforesaid reasons, this Court is not inclined to entertain the writ petition. Accordingly, the writ petition stands dismissed.

15.However, it is made clear that the petitioner shall be entitled to be conferred with the benefit under the Career Advancement Scheme in the post of Associate Professor with retrospective effect, the benefit of the career advancement scheme in the post of Associate Professor along with other monetary benefits, if the High Level Committee decides the matter in favour of the petitioner. The second respondent in the order of the promotion if any shall indicate that the seniority will be subject to the decision of the High Level Committee in that regard. No costs. Consequently, the connected miscellaneous petition is closed.

02.09.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
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K.KUMARESH BABU, J.

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