



WA No. 615 of 2026

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-03-2026

CORAM

THE HON'BLE MR JUSTICE R. SURESH KUMAR

AND

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

WA No. 615 of 2026

and

CMP No. 5838 of 2026

The Registrar
The Periyar University,
Salem

..Appellant(s)

Vs

1. Dr.V. Vaithiyanathan
Assistant Professor,
Department of Economics,
Periyar University,
Salem 636103.

2. The University Grants Commission
Rep. by its Secretary,
Bahadur Shah Zafar Marg,
New Delhi 110.

..Respondent(s)

Appeal filed under clause 15 of the Letters Patent to set aside the order dated 29.10.2025 in WP No.27715 of 2019 and dismiss the Writ Appeal.



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For Appellant:

Mr.P.Godson Swaminath
for M/s.Isaac Chambers

For Respondent(s):

Mr.M.R.Jothimanian (for R1)

JUDGMENT

(Judgment of the Court was delivered by N.Senthilkumar J.)

The Appeal has been filed to set aside the order dated 29.10.2025 made in WP No.27715 of 2019.

2.The case of the Appellant is that the Writ Court erred in holding that the 1st respondent is entitled to count the period of service undergone during his part time Ph.D., without appreciating that the said period had already been counted for the purpose of promotion under the Career Advancement Scheme (CAS). The Writ Court failed to consider that the 1st respondent registered for the Ph.D. programme as a part time scholar on 23.11.2005 and completed the same only on 28.05.2014, after nearly eight years with several extensions and frequent leaves. The Writ Court also failed to take into consideration the finding of the scrutiny committee constituted by the appellant University, which concluded that the UGC letter dated 01.03.2016 is not applicable to the 1st respondent. The Writ Court further misconstrued Clause 10.1 of the UGC Regulations, 2010. Hence the Appeal.



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3. In view of the order that is going to be passed in this Appeal at the admission stage, notice to the 2nd respondent is dispensed with.

4. Mr. Godson Swaminath, learned counsel appearing on behalf of the Appellant submitted that the first respondent was appointed as an Assistant Professor in the Department of Economics on 24.06.2005. Thereafter he registered himself to pursue a Ph.D. degree on a part time basis on 14.10.2005. On 23.02.2006, the Appellant granted permission to the 1st respondent to pursue the Ph.D. degree, subject to the condition that he would serve as Lecturer for a minimum period of three years after registration for the Ph.D. The prescribed period for completion of the Ph.D. is six years from the date of registration. The 1st respondent submitted his thesis for the award of the Ph.D. degree on 16.09.2013.

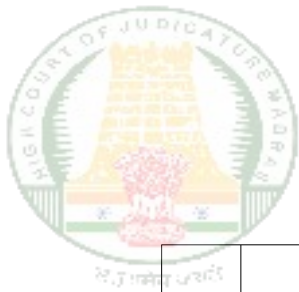
5. The learned counsel for the Appellant relied upon Appendix III, Table III of the UGC (Minimum Qualifications for Appointment of Teachers and Other Academic Staff in Universities and Colleges and Other Measures for the Maintenance of Standards in Higher Education) Regulations, 2010, the relevant portion is usefully extracted hereunder:



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S.No.	Promotion of Teachers through CAS	Service requirement	Minimum Academic Performance requirements and screening/selection criteria
1	Assistant Professor/ equivalent cadres from Stage 1 to Stage 2	Assistant Professor in Stage 1 and completed four years of service with Ph.D. or five years of service who are with M.Phil / PG Degree in Professional Courses such as LLM, M.Tech, M.V.Sc., M.D., or six years of service who are without Ph.D / M.Phil / PG Degree in Professional courses	(i) Minimum API scores using PBAS scoring proforma developed by the concerned University as per the norms provided in Table II (A)/II(B) of Appendix III. (ii) One Orientation and one Refresher / Research Methodology Course of 2/3 weeks duration. (iii) Screening cum Verification process for recommending promotion.
2	Assistant Professor/ equivalent cadres from Stage 2 to Stage 3	Assistant Professor with completed service of five years in Stage 2.	(i) Minimum API scores using the PBAS scoring proforma developed by the concerned University as per the norms provided in Table II(A)/II(B) of Appendix III. (ii) One course / programme from among the categories of refresher courses, methodology workshops, Training, Teaching-Learning-Evaluation Technology Programmes, Soft Skills development Programmes and Faculty Development Programmes of 2/3 week duration. (iii) Screening cum Verification process for recommending promotion.
3	Assistant Professor (Stage 3) to Associate Professor (Stage 4)	Assistant Professors with three years of completed service in Stage 3.	(i) Minimum API scores using the PBAS scoring proforma developed by the concerned university as per the norms provided in Table II (A)/II(B) of Appendix III.. (ii) At least three publications in the entire period as Assistant Professor (twelve years). However, in the case of College teachers, an exemption of one publication will be given to M. Phil. holders and an exemption of two publications will be given to Ph. D. holders.



			(iii) One course / programme from among the categories of methodology workshops, Training, Teaching-Learning - Evaluation Technology Programmes, Soft Skills development Programmes and Faculty Development Programmes of minimum one week duration. (iv) A selection committee process as stipulated in this regulation and in Tables II(A) and II(B) of Appendix III.
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6.He further submitted that the letter of the Appellant dated 08.03.2019 was not properly considered by the Writ Court. The relevant portion is extracted hereunder:

“Dr.V. Vaithiyanathan joined regular service on 24.06.2005 in the Department of Economics as Assistant Professor. As he possessed M.Phil.qualification he was promoted to pay band Rs.7000/- after completion of 5 years as per UGC norms. He was given the progression to next stage at pay band Rs.8000/-w.e.f.24.06.2015. His Ph.D(Part-time) registration was on 23.11.2005 with M.Phil, he was eligible to submit his thesis in 3 years from Date of Registration, i.e 23.11.2008. But even after six years of maximum period i.e 23.11.2011 he made two extension requests and submitted the thesis only on 17.09.2013. Now there is a claim that his active service be considered for promotion. He pursued his Ph.D(part-time) while working as a faculty member, which is already counted for giving promotion under CAS. Whether the claim that teaching service put in for a particular period while pursuing part-time Ph.D in the same institution be considered together which in effect will amount to doubling the service benefit given for that period.



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Teaching	Total	Ph.D Period (part time)	Total
<i>Joined as Assistant Professor</i> 24.06.2005-Rs.6000 AGP	5 years	<i>Date of registration for Ph.D.</i> <i>in part time on 23.11.2005</i>	8 years
<i>Promotion Stage I to II on</i> 24.06.2010 – Rs.7000 AGP	5 years	<i>Maximum period for</i> <i>completion of Ph.D. 23.11.2011</i>	
<i>Promotion Stage II to III on</i> 24.06.2015 – Rs.8000 AGP	3 years	<i>Obtained 1st extension</i> 23.11.2012	
<i>Total years of teaching</i>	13 years	<i>Obtained 2nd extension</i> 23.11.2013	
		<i>Thesis submission on</i> 13.09.2013	
		<i>Ph.D awarded on 28.05.2014</i>	
<i>Length of teaching service</i>	13 years	<i>Research period</i>	8 years
<i>Benefits claimed for promotion 13+8=21 years</i>			

The period already counted for past service cannot give double benefit to a given period”

From the above delineation of facts with regard to your service, it is clear that the services rendered by you during the relevant period when you pursued Ph.D has already been counted for promotion given to you under Career Advancement Scheme(CAS) under UGC regulations and the Government Orders in force. There is no scope for double counting of that period for the purposes requested by you in your representation. In view of the above, your request for counting your period of service on pursuing Ph.D on teaching experience for further promotion, is not feasible of compliance.”

7.He further contended that the period of service of the 1st Respondent had not been properly computed by the Writ Court by referring Clause 3.9.0 of the UGC (Minimum Qualifications for Appointment of Teachers and Other Academic Staff in Universities and Colleges and Other Measures for the



Maintenance of Standards in Higher Education) Regulations, 2010, which reads as follows:

“3.9.0 The period of time taken by candidates to acquire M.Phil. and/or Ph.D. Degree shall not be considered as teaching/research experience to be claimed for appointment to the teaching positions.”

He advanced yet another argument that the first respondent had undergone a punishment in the year 2018.

8.The learned counsel for the 1st Respondent submitted that the 1st respondent was appointed as Assistant Professor in the Department of Economics of the Appellant University on 24.06.2005. Eventhough his promotion to the post of Associate Professor/Professor is based on experience and seniority, it was not considered by the University in accordance with the UGC Regulations. Pursuant to the clarification issued by the 2nd Respondent/UGC dated 01.03.2016, the period of active service spent in pursuing a Ph.D., shall be counted as teaching experience for promotion to the post of Associate Professor and Professor along with regular service. Therefore the 1st respondent submitted a representation dated 20.03.2017 to the Appellant, which was not considered. Thereafter, he filed W.P. No. 14376 of 2018 seeking a Writ of Mandamus, in which a direction was issued on 01.03.2016 to the Registrar of the University to consider his claim. Since no order was passed, he



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filed Contempt Petition No.342 of 2019. During the pendency of the contempt proceedings, his claim was rejected by the 1st Respondent by issuing proceedings No.PU/R/ESTT.R5/291280/2019 dated 08.03.2019. The rejection is contrary to the UGC Regulations dated 01.03.2016. Hence, W.P.No.27715 of 2019 was preferred by the 1st respondent and the same was rightly allowed by this Court.

9.Heard the learned counsel for the Appellant and the learned counsel for the 1st Respondent and perused the available records.

10.The claim of the 1st respondent is that the period of active service spent while pursuing the research degree, i.e., for acquiring the Ph.D. degree, should be counted as teaching experience for the purpose of further promotion to the post of Associate Professor, along with his regular service. The Writ Court allowed the Writ Petition by relying upon Regulation 10 of the UGC Regulations, 2010, which enables counting of past regular service for direct recruitment and promotion under the Career Advancement Scheme (CAS). The claim of the 1st respondent was accepted by the Writ Court by taking into consideration the clarification issued by the UGC in its communication vide



D.O.No.F.17-8/2013 (PS) dated 01.03.2016, which was extracted supra. When the UGC has made it clear that the period of active service spent by a candidate while pursuing a research degree may be counted for direct recruitment and promotion under the Career Advancement Scheme (CAS), the argument advanced by the learned counsel for the Appellant in this regard, is contrary. The Writ Court has rightly taken this clarification into consideration and decided the matter accordingly.

11. Though the learned counsel for the Appellant attempted to distinguish the applicability of the Career Advancement Scheme (CAS) in relation to promotion, such contention runs contrary to the communication of the UGC's communication dated 01.03.2016. When the UGC itself has clarified that the period of active service spent on pursuing a research degree, i.e., for acquiring a Ph.D. degree simultaneously without availing any kind of leave, may be counted as teaching experience for the purpose of direct recruitment or promotion to the post of Associate Professor and above, the attempt made by the learned counsel for the Appellant to interpret it differently cannot be accepted. Such an interpretation would be contrary to the clarification issued by the UGC.



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12. With regard to the argument made by the learned counsel for the Appellant that the 1st respondent had undergone a punishment in the year 2018, a perusal of the available records reveals that the first respondent submitted his thesis for the award of the Ph.D. degree on 16.09.2013, whereas the punishment of cadre reversion from AGP Rs.8000/- to AGP Rs.7000/- with effect from 29.09.2018 was imposed only on 08.10.2018. Therefore, the said punishment has no impact on the claim made by the 1st respondent.

13. The Writ Court, in paragraph No.18, has rightly rejected the claim of the Appellant, holding that the same is contrary to the communication of the UGC dated 01.03.2016. The relevant portion is usefully extracted as under:

“18. A reading of the aforesaid Regulations shows that it provides for counting of past regular service as Assistant Professor, Associate Professor or Professor or equivalent in a University, College, National Laboratory or other Scientific or Professional Organisation as mentioned therein, being counted for direct recruitment and promotion under Career Advancement Scheme of a teacher. The counting of past regular service under Regulation 10.1 is in relation to the post of Assistant Professor, Associate Professor or professor or equivalent in a University, College or other Scientific or Professional Organisation, but is not restricted to the Assistant Professor / Associate Professor/Professor working in other scientific and Professional Organisations mentioned in Regulation in 10.1 as sought to be contended by



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the first respondent. Thus, the contention of the first respondent is antithetical to the Regulation 10.1 and also contrary to the understanding of the second respondent which had issued the aforesaid clarification.”

14. In view of the above discussions, the Writ Appeal is devoid of merits and is hereby dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

(R.S.K.,J.) (N.S.,J.)
04-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

sai

To

1. V. Vaithiyathan
Asst. Professor,
Department of Economics,
Periyar University,
Salem 636103.
2. The Secretary,
University Grants Commission
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