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W.P. Nos.3112/2023, etc. Batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on	Pronounced on
28.04.2026	02.06.2026

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. NOS. 3112, 11938 & 12353 OF 2023

W.P. NO.5153 OF 2024

AND

W.M.P. NOS. 3181, 3183, 3180, 3179, 12190, 11819 & 11817 OF 2023

W.M.P. NOS. 5664 & 5665 OF 2024

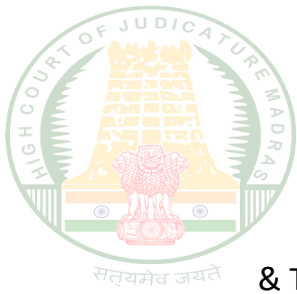
W.P. No.3112 of 2023

1. D.Selvam
2. K.Sekar
3. Thamarai.Manivannan
4. R.Kumaresan
5. P.Ravi
6. U.R.Aiswarya
7. E.Velmourougane
8. A.Aguilane
9. M.Soundirame
10. P.Rambabu
11. D.Jeyalatchumy
12. P.Surya Prasad Rao
13. C.Jothi prakasam
14. N.Saravana Kumar
15. N.Velmourougane

.. Petitioners

- Vs -

1. Member Secretary
Pondicherry Institute of Post-Matric



W.P. Nos.3112/2023, etc. Batch

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& Technical Education (PIPMATE)
Lawspet, Puducherry 605 008.

2. The Education Secretary
Chairman – Pondicherry Institute of
Post-Matric & Technical Education
(PIPMATE), Chief Secretariat
Puducherry 605 001.

.. Respondents

W.P. No.12353 of 2023

K.Sekar

.. Petitioner

- Vs -

1. Member Secretary
Pondicherry Institute of Post-Matric
& Technical Education (PIPMATE)
Lawspet, Puducherry 605 008.
2. The Education Secretary
Chairman – Pondicherry Institute of
Post-Matric & Technical Education
(PIPMATE), Chief Secretariat
Puducherry 605 001.

.. Respondents

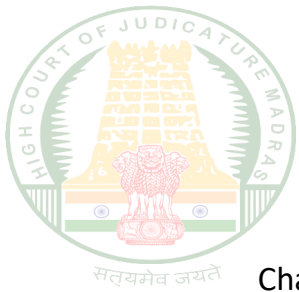
W.P. No.11938 of 2023

D.Selvam

.. Petitioner

- Vs -

1. Member Secretary
Pondicherry Institute of Post-Matric
& Technical Education (PIPMATE)
Lawspet, Puducherry 605 008.
2. The Education Secretary



W.P. Nos.3112/2023, etc. Batch

WEB COPY

Chairman – Pondicherry Institute of
Post-Matric & Technical Education
(PIPMATE), Chief Secretariat
Puducherry 605 001.

.. Respondents

W.P. No.5153 of 2024

R.Kumaresan

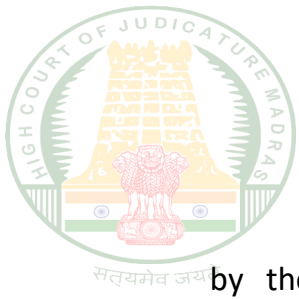
.. Petitioner

- Vs -

1. All India Council for Technical Education (AICTE)
Rep. by its Member Secretary
Nelson Mandela Marg
Vasant Kunj, New Delhi 110 070.
2. Government of Puducherry
Rep. by its Secretary (Higher Education)
-cum-The Chairman
Pondicherry Institute of Post-Matric
& Technical Education (PIPMATE)
Chief Secretariat, Puducherry 605 001.
3. The Member Secretary
Pondicherry Institute of Post-Matric
& Technical Education (PIPMATE)
Lawspet, Puducherry 605 008.
4. The Principal
Women's Engineering College
Lawspet, Puducherry 605 008.

.. Respondents

W.P. No.3112 of 2023 filed under Article 226 of the Constitution of India
praying this Court to issue a writ of certiorarified mandamus calling for the
records of reply order (No.849/PIPMATE/2021/A3/744) dated 01.11.2022 issued



W.P. Nos.3112/2023, etc. Batch

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by the 1st respondent and quash the same and subsequently direct the respondent to continue their service till they attain the age of superannuation in terms of the AICTE Regulations through Notification F.No.1-65/CD/NCE/98-99 dated 30.12.1999.

W.P. No.11938 of 2023 filed under Article 226 of the Constitution of India praying this Court to issue a writ of certiorarified mandamus calling for the records of Memo (Endt. N.A/10/5/WPTC/Estt/2019/A/64) dated 06.02.2023 issued to the petitioner for superannuation of service with effect from 30.04.2023 and quash the same and subsequently direct the respondent to continue their service till they attain the age of superannuation in terms of the AICTE Regulations through Notification F.No.1-65/CD/NCE/98-99 dated 30.12.1999.

W.P. No.12353 of 2023 filed under Article 226 of the Constitution of India praying this Court to issue a writ of certiorari to call for the records of the 1st respondent Superannuation Order No.(A/5/9/1/PIPMATE/2023/E2/192) dated 30.03.2023 issued to the petitioner and quash in terms of the AICTE Regulations through Notification F.No.1-65/CD/NCE/98-99 dated 30.12.1999.



W.P. Nos.3112/2023, etc. Batch

WEB COPY

W.P. No.5153 of 2024 filed under Article 226 of the Constitution of India

praying this Court to issue a writ of certiorarified mandamus directing the 2nd & 3rd respondents to extend the age of retirement of the petitioner from 60 to 62 years as per AICTE Notification F.No.1-65/CD/NCE/98-99 dated 30.12.1999.

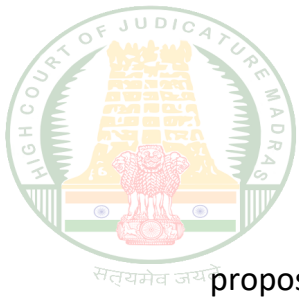
For Petitioners : Mr. Stalin Abimanyu in
WP 5153/2024
Mr.Balan Haridass, for
M/s.S.Arun Kumar in WP
Nos.3112, 11938 & 12353/23

For Respondents : Mr. Rabu Manohar, SCGSC for
R-1 in WP 5153/2024
Mr.Syed Mustafa, SGP (Pondy)
for R-2 in WP 5153/2024 & for
all respondents in WP 3112,
11938 & 12353/2023

COMMON ORDER

Assailing the act of the respondents in issuing the respective memo for the superannuation of the petitioners from service without giving effect to the terms of AICTE Regulations issued vide Notification F. No.1-65/CD/NCE/98-99 dated 30.12.1999, the present petitions have been preferred by the petitioners.

2. W.M.P. No.3179/2024 has been filed by the petitioners praying to permit them to file a single writ petition and in view of the order, which Court



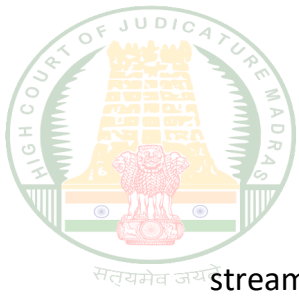
W.P. Nos.3112/2023, etc. Batch

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proposes to pass, the said petition is ordered as prayed for on payment of single court fee.

3. It is the case of the petitioners that the petitioners are working as Lab Instructors/Technical employees in Government Polytechnic Colleges in the Union Territory of Puducherry. The petitioners were recruited by following the process of selection and appointment as per the norms prescribed by the All India Council for Technical Education (for short 'AICTE') at par with teachers by providing earned leave, vacation, study leave (for 2 years) and training programs. The petitioners were thereafter promoted in terms of AICTE norms during the 4th Central Pay Commission.

4. It is the further case of the petitioners that as per the notification F. No.1-65/CD/NCE/98-99 dated 30.12.1999 issued by AICTE relating to norms for revision of pay scales and service condition in which the age of superannuation was increased from 60 to 62 years for Librarians, Physical Education personnel and such other employees of technical institution. It is the further case of the petitioners that though AICTE had issued the aforesaid notification in and by which employees who were considered on par with the teachers in the technical



W.P. Nos.3112/2023, etc. Batch

WEB COPY

stream, however, the Government of Puducherry passed G.O. Ms. No.79 dated 26.9.2000 in compliance of the norms prescribed AICTE, but with clear omission of '*such other employees of technical institution who are treated at par with the teachers*'. Due to the erroneous interpretation given to the said notification, many of the non-gazette teaching staffs/academic staff, including the petitioners were forced to retire at the age of 60 years and the petitioners are sought to be superannuated on attaining the age of 60 years.

5. It is the further case of the petitioners that even the recommendations of the committee constituted, through its recommendation dated 13.01.2009 had stated that Lab Instructor/Workshop Instructor are performing work in connection with students at par with lecturers and various other acts, which is akin to the work discharged by the teaching staff. Therefore, the petitioners sent various representations to respondents 1 and 2 to extend the age of superannuation from 60 to 62 years in line with the notification issued by AICTE. However, the same was not considered which prompted the petitioners from filing W.P. No.24821/2022 and on the basis of the directions issued by this Court, the 1st respondent, vide its order dated 1.11.2022 and 8.3.2023 rejected the representation of the petitioners. Aggrieved by the said rejection, the petitioners



W.P. Nos.3112/2023, etc. Batch

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preferred W.P. No.3112/2023 challenging the order dated 1.11.2022, but in the interregnum, as some of the petitioners were called upon to submit documents for the purpose of superannuation of their service, left with no alternative and efficacious remedy, the petitioners have filed the present petitions.

6. Learned counsel appearing for the petitioners submit that the respondents are bound by the AICTE notification with regard to the norms relating to service conditions of the employees, more particularly with regard to age of superannuation. It is the further submission of the learned counsel that when AICTE has increased the age to 62 years in respect of teachers in diploma legal technical institutions, the petitioners, who are also Lab Instructors in the teaching stream, are entitled to such enhancement of age. However, the respondents have not passed on the said benefit to the petitioners which is against the AICTE notification, which is grossly impermissible.

7. It is the further submission of the learned counsel that regulation of AICTE will prevail as it is a statutory body regulating all technical institutions and, therefore, any fixation outside the mandate of AICTE cannot survive. It is the further submission of the learned counsel that the above view has been



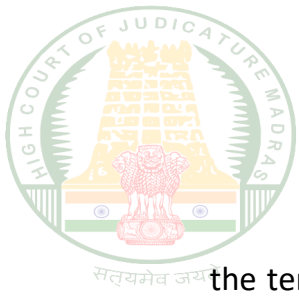
W.P. Nos.3112/2023, etc. Batch

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reiterated by this Court in ***Dr. S.Kothandaraman – Vs – The Pro-Chancellor & Ors. (W.P. No.17918/2021)***, wherein this Court had held that any regulations, which are not in consonance with the mandate of AICTE would be void and inoperative and it cannot be enforced in law and, therefore, the present fixation of superannuation at 60 for Lab Instructors is beyond the mandate of AICTE and, therefore, deserves to be interfered with.

8. It is the further submission of the learned counsel that vide the notification, AICTE had fixed the age of superannuation from 60 to 62 years, but the same has been misinterpreted by the respondents as if the same is applicable only to teachers of diploma level technical institutions, which is not what the original notification of AICTE spelt out, as, as per the said notification of AICTE, the age of superannuation of teachers was fixed at 62 years by enhancing the same from 60 years. When the said regulation stipulated 62 years as the age of superannuation, the petitioners, as Lab Instructors would be entitled for the same.

9. In fine, it is the submission of the learned counsel that the regulations of AICTE issued under the provisions of the Central enactment would prevail over



W.P. Nos.3112/2023, etc. Batch

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the terms of the scheme and the individual institution or the University have no other option to prescribe its own age of retirement, but to follow the mandate of AICTE as otherwise, the same would be inconsistent with the stipulation mandated in the AICTE regulations. The present impugned notification of the respondents not extending the benefit of the notification to the Lab Instructors is in violation of the AICTE norms and, therefore, deserves to be interfered with.

10. In support of the aforesaid submissions, learned counsel for the petitioners placed reliance on the following decisions :-

- i) *Dr. S.Kothandaraman – Vs – The Pro-Chancellor & Ors. (W.P. No.17918/2021)*
- ii) *Osmania University – Vs – Muthurangam (1997 (10) SCC 741);*
- iii) *Surendra Chaudhary – Vs – The State of Bihar & Ors. (C.W.J No.1721/2014 – Dated 9.10.2017); and*
- iv) *M.Padmanabhan – Vs – Union of India & Ors. (2011 SCC OnLine Del 4249)*

11. Per contra, learned Senior Central Government Standing Counsel appearing for the AICTE and the learned Special Government Pleader (Pondicherry) appearing for the respective respondents submitted that the post of Lab Instructors/Workshop Instructors/Workshop Attenders in Polytechnic

10



W.P. Nos.3112/2023, etc. Batch

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colleges are not equitable to that of the teaching posts and, therefore, they have been excluded from the purview of the AICTE notification and were not provided with the superannuation age of 62 years.

12. It is the further submission of the learned standing counsel that the Lab Instructors/Workshop Instructors/Workshop Attenders cannot equate themselves to that of the teaching staff, moreso, when AICTE, vide notification dated 30.12.1999, while considering revision of pay scales and service conditions of teachers of technical institutions (Diploma) had enhanced the age of superannuation only in respect of teachers of Diploma level technical institutions from 60 to 62 years and with regard to framing of pay scales and service conditions of other non-teaching employees including Lab Instructors/Workshop Instructors/Workshop Attenders, AICTE had left it to the discretion of the concerned authority, which would be evident from the notification itself. Therefore, the petitioners cannot seek par treatment with the teaching staff. Only based on the said notification, G.O. Ms. No.24 dated 10.03.2011 had come to be issued prescribing enhanced retirement age for teaching staff working in PIPMATE Society, while the retirement age of non-teaching staff, who do not come within the teaching category were left untouched at 60 years.

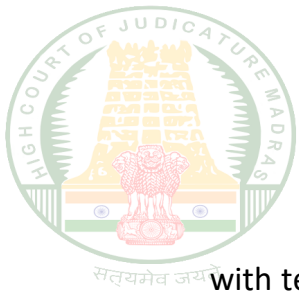


W.P. Nos.3112/2023, etc. Batch

WEB COPY

13. It is the further submission of the learned standing counsel that the post of Lab Instructors/Workshop Instructors/Workshop Attenders were only created to aid and lend supporting role to the teaching faculty and it cannot be equated to the post of teaching faculty, as there is no direct element of teaching involved in the said posts and, therefore, it would not be possible to bring them within the ambit of teaching staff and claim parity and equality with teaching faculty for the purpose of considering their case for enhancement of age of superannuation.

14. It is the further submission of the learned standing counsel that the umbrage taken by the petitioners under the clause *“such other employees of Technical Institutions who are treated at par with teachers”* in the AICTE Regulations itself clearly signifies that only such employees who are treated at par with teachers and not otherwise. While AICTE prescribes the pay scales for Librarians and Physical Education Directors along with teaching faculty, but conspicuously detaches itself and leaves the prescription of pay scales of non-teaching staff to the States concerned. Therefore, the said regulations of AICTE for making the Lab Instructors/Workshop Instructors/Workshop Attenders at par



W.P. Nos.3112/2023, etc. Batch

WEB COPY

with teachers cannot be countenanced. Therefore, the age of superannuation of persons other than teaching staff, like the petitioners, who are non-teaching staff and rendering supporting role to the teaching faculties cannot be treated at par with teaching staff to extend the benefit of extended age of superannuation and, therefore, the plea of the petitioners deserve to be rejected by dismissing the writ petitions.

15. In support of the aforesaid contentions, the decision in ***Indian Institute of Technology, Kanpur – Vs – Raja Ram Verma & Ors. (2010 (14) SCC 86)*** has been relief on, on behalf of the respondents.

16. This Court gave its careful consideration to the submissions advanced by the learned counsel appearing on either side and perused the materials available on record as also the decisions relied on, on behalf of the petitioners.

17. The main issue that falls for consideration is as to whether the Lab Instructors/Workshop Instructors/Workshop Attenders would fall within the ambit such other employees of Technical Institutions who are treated at par with teachers” as provided for in the AICTE Regulations, 1999 so as to enable them to



W.P. Nos.3112/2023, etc. Batch

WEB COPY

get the benefit of enhanced age in superannuation, which has been conferred on the teachers in technical institutions.

18. The petitioners are functioning as Lab Instructors/Workshop Instructors/Workshop Attenders in the technical institutions, which is not disputed. However, they claim equivalence with the teachers by claiming that they too discharge work, which is discharged by the teachers, though in the lab/workshop.

19. Teaching faculty would take within its fold academic and instructional staff at an educational institution, such as a school, college, or university and this body of professionals is primarily responsible for designing curricula, delivering instruction, guiding student learning, and evaluating academic performance of the students. Further the teaching faculties are also associated with delivering lectures, leading seminars, and facilitating hands-on labs or workshops, they are involved in designing syllabi, creating assessments, and updating course materials to reflect current standards, mentoring the students in their career paths, and research projects and also involved in the institutional governance of the institutions.



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20. To put it in a nutshell, a teacher is one, who not only teaches subjects in academics to the students, but they mentor, guide, develop, facilitate and nurture the students in their growth and act as a ladder to each student to climb greater heights by evolving the educational institution which shapes the student community. Therefore, all persons, who are involved in the school and who are associated with the students and involve themselves in some manner in the academics cannot come within the ambit of teachers.

21. In this backdrop, the AICTE Regulations, which is pressed into service by the petitioners to claim that parity should be given to them in the age of superannuation as that of teachers, as they would come within the ambit of such other employees of technical institutions requires to be looked into, for which the relevant Regulation 12 of AICTE dated 30.12.1999 assumes significance and the same is quoted hereunder :-

“12.0 SUPERANNUATION AND RE-EMPLOYMENT

The age of superannuation of teachers in diploma level technical institutions would be 62 years and thereafter no extension of service shall be given. However, an Institute may re-employ a superannuated teacher up to 65 years of age in accordance with the existing provision (s) in the Statutes/



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W.P. Nos.3112/2023, etc. Batch

Memorandum of Association and Rules/ Schemes, Regulations and Bye- laws of the Institute, as the case may be.

The age of superannuation of Librarians, Physical Education personnel and such other employees of technical institutions who are treated at par with the teachers and whose age of superannuation was 60 years, will now be 62 years. However, there is no provision of re-employment for such category of staff."

(Emphasis Supplied)

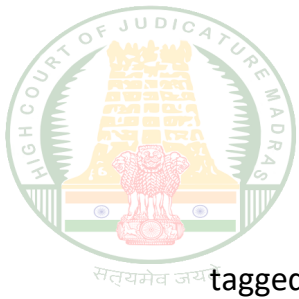
22. The abovesaid regulation, while takes within its fold Librarians and Physical Education personnel, further lays down that such other employees of technical institutions who are treated at par with teachers, the age of superannuation of the said employees will be enhanced to 62 years. Therefore, there is a clear stipulation that while Librarians and Physical Education personnel are considered within the ambit of teachers, the other employees of the technical institutions, who are to be treated at par with teachers are left to the institution to be decided. There is a clear prescription by making a two way road, one in which certain posts are clearly spelt out as teaching faculties while the other posts of the technical institutions are left to the choice of the said institution to decide whether they would fall into the ambit of teaching faculty.



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23. In this backdrop, if the work of the Lab Instructors/Workshop Instructors/Workshop Attenders are looked at, it would clearly show that they are confined to the workshop/lab while the teaching faculties, in addition to their work at the labs, teach the students in the classrooms in addition to other duties, which have been spelt out in the earlier portion of this order. True it is that the Lab Instructors/Workshop Instructors/Workshop Attenders help the students by guiding them in the labs/workshops, but at best it could be termed to be an assistance with regard to the subject learnt by the students, which have been taught by the teachers and it is not some new concept which is taught to the students by the Lab Instructors/Workshop Instructors/Workshop Attenders. What has been taught by the teachers, being put to practical work, is overseen by the Lab Instructors/Workshop Instructors/Workshop Attenders and they do not impart any new knowledge to the students.

24. Anybody who works in a school/college/educational institution and comes in contact with students would have a semblance of teaching attached with them, but that by alone cannot be taken to mean that all the employees employed in the school/college/educational institution could be treated to be teachers. Teachers form a separate class and the duties and responsibilities



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tagged on with the teaching professional cannot be diluted to take the teaching profession to the entrance of the Lab Instructors/Workshop Instructors/Workshop Attenders. The work of Lab Instructors/Workshop Instructors/Workshop Attenders is very miniscule when compared to the work discharged by a teacher and only on that score, that too for the benefit of the student community, who are the pillars of the future, the enhancement of age of superannuation has been provided.

25. Further, as already pointed out above, the clause *“such other persons treated at par with teachers”* as provided in Regulation 12 of the AICTE Regulations gives a wider latitude to the University/authority to codify the persons, who will fall within the ambit of teachers and, therefore, it is for the University/authority to decide on that aspect and the said regulation cannot be titled to benefit the petitioners by trying to bring them within the ambit of such other persons, as the work discharged by them cannot be construed that they would also fall within the zone of teaching faculty to consider them to be at par with teachers.



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26. Further, there is no material evidencing the fact that the petitioners, except discharging their work in the lab/workshop are indulged in teaching the students in the Universities/technical institutions to deem themselves to be at par with teachers. Merely because the petitioners also work through a timetable does not mean that the petitioners would also have to be considered as teachers without them doing any academic work and other works as done by the teachers.

27. It is also a noteworthy fact, which has been placed by the respondents that while the pay scales of the teaching staff is prescribed by AICTE, however, insofar as the non-teaching staffs are concerned, the pay scales are fixed by the States concerned. This fact is not disputed by the petitioners. When the pay scales of the Lab Instructors/Workshop Instructors/Workshop Attenders are not fixed by AICTE and it is not at par with the teaching staff, whose pay is fixed by AICTE and this clearly shows that even AICTE has not recognized the Lab Instructors/Workshop Instructors/Workshop Attenders at par with teachers.

28. In this scenario, the clause *“such other employees of technical institutions who are treated at par with the teachers”*, which finds place in Regulation 12 only denotes that AICTE has left it to the choice of the



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University/Technical Institution to decide such of the personnel, who are treated at par with teachers beyond what has been prescribed by AICTE. Only in this backdrop, the respondents, appreciating the work discharged by the Lab Instructors/Workshop Instructors/Workshop Attenders had not included them within the ambit of such other employees, who are treated at par with the teachers and the said interpretation and the consequential fixation made by the respondents cannot be found fault with.

29. Though the decision in *Kothandaraman case (supra)* is pressed into service on behalf of the petitioners, this Court has no quarrel with the proposition of law laid down therein. The Regulations of AICTE are mandatory in nature and it cannot be diluted for the purpose of the Scheme of any educational institution/university. However, where the Regulation of AICTE has clearly left it open for the educational institution/University to decide with regard to such of the persons, who would fall within the ambit of teachers, then it is clearly within the domain of the University/authority to deliberate on that aspect. As stated above, Regulation 12 in clear and unambiguous term has codified such of the persons who would fall within the ambit of teachers to whom Regulation 12 will be applicable with regard to extended age of superannuation and had also clearly



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spelt out that only such of those employees, who are treated at par with teachers would be entitled to the said benefit. When the Regulation had left it open to the University/authority to decide as to who are all the other employees of the technical institutions who are to be treated at par and the respondents herein had not brought the petitioners within the said bracket, this Court, cannot in exercise of its extraordinary jurisdiction step into the shoes of the respondents to give any benefit to the petitioners as it would be nothing but reading something into the Regulation on which there is no ambiguity. Therefore, the decisions relied on by the petitioners are of no benefit to their case and more particularly the decision in *Kothandaraman case* would not in any manner further the case of the petitioners.

30. Once this Court has held that the Lab Instructors/Workshop Instructors/Workshop Attenders cannot be treated at par with teachers and the action of the respondents is just and proper, the consequential impugned memo issued by the respondents for the purpose of superannuation of the concerned petitioners from service is wholly legal and sustainable and the same does not require any interference at the hands of this Court.



W.P. Nos.3112/2023, etc. Batch

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31. For the reasons aforesaid, these writ petitions fail and, accordingly, the same are dismissed. Consequently, the other connected miscellaneous petitions are closed. There shall be no order as to costs.

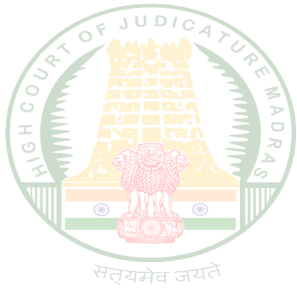
02.06.2026

Index : Yes / No

GLN

To

1. The Member Secretary
All India Council for Technical Education (AICTE)
Nelson Mandela Marg
Vasant Kunj, New Delhi 110 070.
2. The Secretary (Higher Education)
-cum-The Chairman
Pondicherry Institute of Post-Matric
& Technical Education (PIPMATE)
Chief Secretariat, Puducherry 605 001.
2. The Member Secretary
Pondicherry Institute of Post-Matric
& Technical Education (PIPMATE)
Lawspet, Puducherry 605 008.



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M.DHANDAPANI, J.

GLN

**PRE-DELIVERY ORDER IN
W.P. NOS. 3112, 11938 &
12353 OF 2023
W.P. NO.5153 OF 2024**

**Pronounced on
02.06.2026**