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W.P.Nos.6380, 6391, 6397, 6407 and 6409 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2026

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.6380, 6391, 6397, 6407 and 6409 of 2024

Dr.V.Natarajan	... Petitioner in W.P.6380/2024
Dr.B.Vinayagasundaram	... Petitioner in W.P.6391/2024
Dr.S.Indira Gandhi	... Petitioner in W.P.6397/2024
Dr.B.Kumar	... Petitioner in W.P.6407/2024
Dr.A.P.Shanthi	... Petitioner in W.P.6409/2024

Vs.

- 1 THE ANNA UNIVERSITY
REP. BY ITS REGISTRAR,
SARDAR PATEL ROAD,
CHENNAI – 600 025.
- 2 THE GOVERNMENT OF TAMIL NADU,
REP. BY ITS SECRETARY,
HIGHER EDUCATION DEPARTMENT,
FORT ST. GEORGE,
CHENNAI – 9. ... Respondent in all the W.Ps.

Prayer in W.P.No.6380 of 2024:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned orders viz., G.O.(Ms).No.119 Higher Education (C2) Department dated 12.05.2017 issued by the second respondent and



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Procs. No.333/PR20/2018-1 dated 16.07.2018 issued by the first respondent and all consequent proceedings issued thereunder, and quash the same and consequently to direct the first respondent to repay to the petitioner an amount of Rs.11,67,026/- that was recovered from the petitioner by the first respondent with appropriate interest as may be fixed by this Hon'ble Court on the said amount from the date of recovery to the date of payment, to restore the pay of the petitioner with effect from 13.12.2008 by restoring the three non-compounding advance increments and consequently to revise the pension and other retiral benefits and pay the consequent arrears of pay and pension and other reitral benefits along with appropriate interest as may be fixed by this Hon'ble Court on each of the arrears from the date of due to the date of payment to the petition within a time frame as may be fixed by this Hon'ble Court.

Prayer in W.P.No.6391 of 2024:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned orders viz., G.O.(Ms).No.119 Higher Education (C2) Department dated 12.05.2017 issued by the second respondent and Procs. No.333/PR20/2018-1 dated 16.07.2018 issued by the first respondent and all consequent proceedings issued thereunder, and quash the same and consequently to direct the first respondent to restore the pay of the petitioner by restoring the three non-compounding advance increments with effect from 08.03.2008 and pay the arrears of pay with effect from July, 2018 till this date with appropriate interest as may be fixed by this Honb'le Court and



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accordingly based on the pay so restored to calculate the pension and other retiral benefits of the petitioner.

Prayer in W.P.No.6397 of 2024:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned orders viz., G.O.(Ms).No.119 Higher Education (C2) Department dated 12.05.2017 issued by the second respondent and Procs. No.333/PR20/2018-1 dated 16.07.2018 issued by the first respondent and all consequent proceedings issued thereunder, and quash the same and consequently to direct the first respondent to restore the pay of the petitioner by restoring the three non-compounding advance increments with effect from 04.08.2009 and pay the arrears of pay with effect from July 2018 till this date with appropriate interest from the date of due to the date of payment as may be fixed by this Hon'ble Court and accordingly, based on the pay so restored, to calculate the pension and other retiral benefits of the petitioner.

Prayer in W.P.No.6407 of 2024:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned orders viz., G.O.(Ms).No.119 Higher Education (C2) Department dated 12.05.2017 issued by the second respondent and Procs. No.333/PR20/2018-1 dated 16.07.2018 issued by the first respondent and all consequent proceedings issued thereunder, and quash the same and consequently to direct the first respondent to



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repay to the petitioner an amount of Rs.11,24,911/- that was recovered from the petitioner by the first respondent with appropriate interest as may be fixed by this Hon'ble Court on the said amount from the date of recovery to the date of payment; accordingly restore the pay of the petitioner with effect from 08.12.2007 by restoring the three non-compounding advance increments and consequently to revise the pension and other retiral benefits and pay the consequent arrears of pay and pension and other retiral benefits along with appropriate interest as may be fixed by this Hon'ble Court on each of the arrears from the respective date of due to the respective date of payment to the petitioner within a time frame as may be fixed by this Hon'ble Court.

Prayer in W.P.No.6409 of 2024:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned orders viz., G.O.(Ms).No.119 Higher Education (C2) Department dated 12.05.2017 issued by the second respondent and Procs. No.333/PR20/2018-1 dated 16.07.2018 issued by the first respondent and all consequent proceedings issued thereunder, and quash the same and consequently to direct the first respondent to repay to the petitioner an amount of Rs.12,93,853/- that was recovered from the petitioner by the first respondent with appropriate interest as may be fixed by this Hon'ble Court on the said amount from the date of recovery to the date of payment; accordingly restore the pay of the petitioner with effect from 06.06.2006 by restoring the three non-compounding and consequently to revise the pension and



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other retiral benefits and pay the consequent arrears of pay and pension and other retiral benefits along with appropriate interest as may be fixed by this Hon'ble Court on each of the arrears from the date of due to the date of payment to the petitioner within a time frame as may be fixed by this Hon'ble Court.

For Petitioners : Mr.N.Subramaniyan
For Respondents : Mr.U.Baranidharan for R1
Mr.M.R.Gokulakrishnan for R2
Additional Government Pleader

COMMON ORDER

These writ petitions have been filed seeking to quash G.O. (Ms).No.119 Higher Education (C2) Department dated 12.05.2017 issued by the second respondent and Procs. No.333/PR20/2018-1 dated 16.07.2018 issued by the first respondent and all consequent proceedings issued thereunder, and to direct the first respondent to repay the amount recovered from the petitioners with appropriate interest and to revise the pension and other retiral benefits and pay the consequent arrears of pay and pension and other retiral benefits along with appropriate interest.

2.The learned counsel appearing for the petitioners submitted that the petitioner in W.P.No.6380 of 2024 was appointed as Lecturer



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in School of Architecture and Planning (SAP), Main Campus, Anna University, after due selection process and joined the post on 17.11.1988. Before appointment, the petitioner entered into the regular service at Madras Institute of Technology, MIT Campus, Anna University on 30.08.1985 as technical non teaching staff and completed of M.E.(CSE), when he was working at SAP and was elevated as Lecturer (Senior Grade) after Screening and Evaluation Process with effect from 17.11.1994 and thereafter promoted as Lecturer (Selection Grade) with effect from 17.11.1998 and completed Ph.D. Degree on 12.12.2008, the date of viva – voce examination. The first respondent vide proceedings dated 12.01.2009 sanctioned two advance increments with effect from 13.12.2008. Thereafter the petitioner was redesignated as Associate Professor with effect from 01.01.2006 and the petitioner moved into Professor under CAS after due process from 01.01.2009 and retired from service as Professor on 31.05.2020.

3.The learned counsel appearing for the petitioners further submitted that the petitioner in W.P.No.6391 of 2024 was appointed as Computer Operator Grade II in Computer Centre, MIT Campus,



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Anna University, after due selection process and joined the post on 16.11.1988. After acquiring M.E.(Electronics), the petitioner was appointed as Lecturer in Systems Programming Anna University after due selection and joined the post on 22.06.1994 and was elevated as Senior Grade Lecturer with effect from 22.06.1999 and thereafter promoted as Selection Grade Lecturer with effect from 22.06.2004 and completed Ph.D. Degree on 07.03.2008, the date of last examination of viva – voce. Thereafter the petitioner was moved to Associate Professor with effect from 22.06.2007 and the petitioner was promoted to the post of Professor with effect from 23.02.2013 and the date of superannuation was 30.06.2023 and was in extension of service till 31.05.2024.

4.The learned counsel appearing for the petitioners further submitted that the petitioner in W.P.No.6397 of 2024 was appointed as Lecturer in Electronics Engineering, MIT Campus, Anna University, after due selection process and joined the post on 30.03.1994 and was elevated as Senior Grade Lecturer with effect from 19.07.1999 and thereafter promoted as Selection Grade Lecturer with effect from 30.03.2004 and completed Ph.D. Degree on 03.08.2009, the date of



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last examination of viva – voce. Thereafter the petitioner was moved to Associate Professor with effect from 30.03.2007 and the petitioner was promoted to the post of Professor with effect from 30.03.2010.

5.The learned counsel appearing for the petitioners further submitted that the petitioner in W.P.No.6407 of 2024 was appointed as Technical Assistant in Printing Technology Department, College of Engineering, Guindy Campus, Anna University, on 28.05.1984 and was selected for the post of Lecturer from 10.10.1986. The petitioner acquired B.E. Degree during 1995 and was elevated to Senior Scale Lecturer from 30.05.1997 and was promoted as Selection Grade Lecturer with effect from 30.05.2000. The petitioner acquired M.S. Degree during 2001 and was appointed as Assistant Professor with effect from 10.07.2009 and after implementation of 6th Central Pay Scale, the said post was redesignated as Associate Professor with effect from 01.01.2006. The petitioner was promoted to the post of Professor with effect from 01.01.2009. The petitioner completed Ph.D. Degree on 07.12.2007, the date of last examination of viva – voce. The petitioner retired from service as Professor on 31.05.2021.



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6.The learned counsel appearing for the petitioners further submitted that the petitioner in W.P.No.6409 of 2024 was appointed as Lecturer in School of Computer Science at the College of Engineering, in Anna University, after due selection process vide proceedings of the first respondent dated 04.02.1988 and joined the service on 04.03.1988 and was elevated as Senior Grade Lecturer with effect from 10.03.1994 and was thereafter elevated as Selection Grade Lecturer with effect from 12.02.2001. The petitioner completed Ph.D. Degree on 05.06.2006, the date of last examination of viva – voce. On 06.06.2006, the post of Selection Grade Lecturer was redesignated as Assistant Professor and after implementation of 6th Central Pay Scale, the said post was redesignated as Associate Professor with effect from 01.01.2006. The petitioner was promoted to the post of Professor on 01.01.2009 and the petitioner retired from service as Professor on 31.05.2023 after availing extension of service till the end of academic year.

7.The learned counsel appearing for the petitioners further submitted that the second respondent issued G.O.(Ms).No.119, Higher Education (C2) Department, dated 12.05.2017 deciding to accept



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AICTE Clarification dated 04.01.2016 and issued instruction to the first respondent to follow the same. Though the second respondent have no role in the administration of Anna University, the first respondent issued proceedings dated 16.07.2018 declaring that three non compounded advance increments sanctioned to Associate Professor for acquiring Ph.D qualification are withdrawn and ordered for recovery of the same. The learned counsel further submitted that the impugned Government Order was issued in the year 2017 and the AICTE Clarification is of the year 2016, however, the petitioners acquired the Ph.D. qualification between 2006 and 2009 and further submitted that any Notification or Government Order is applicable only prospectively and not retrospectively. Since the petitioners acquired Ph.D. qualification prior to AICTE Clarification and Government Order, ordering recovery is not sustainable one.

8.Though the first respondent has filed a detailed counter affidavit justifying the action of the respondents, the learned counsel appearing for the first respondent submitted that the grievance of the petitioners has been placed before the Convener Committee and the Convener Committee has to take appropriate decision.



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9. Heard the arguments advanced on either side and perused the materials available on record.

10. Admittedly, the petitioners entered the service of the first respondent and thereafter they acquired Ph.D. qualification and they were promoted to the post of Professor. The second respondent issued G.O.(Ms).No.119, Higher Education (C2) Department, dated 12.05.2017 deciding to accept AICTE Clarification dated 04.01.2016 and issued instruction to the first respondent to follow the same. Thereafter, the first respondent issued proceedings dated 16.07.2018 declaring that three non compounded advance increments sanctioned to Associate Professor for acquiring Ph.D qualification are withdrawn and ordered for recovery of the same. The grievance of the petitioners is that the petitioners acquired Ph.D. qualification prior to AICTE Clarification and Government Order and hence ordering recovery is not sustainable one.

11. The impugned Government Order was issued in the year 2017 and the AICTE Clarification is of the year 2016, however, the petitioners acquired the Ph.D. qualification between 2006 and 2009.



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Any Notification or Government Order is applicable only prospectively and not retrospectively. On the sole ground this Court is inclined to allow the writ petitions.

12.The writ petitions are allowed. The respondents are directed to extend the benefits which were withheld to the petitioners and refund the money, if any, recovered from the petitioners, to the petitioners, within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

20.01.2026

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Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

To

- 1 THE ANNA UNIVERSITY
REP. BY ITS REGISTRAR,
SARDAR PATEL ROAD,
CHENNAI – 600 025.
- 2 THE GOVERNMENT OF TAMIL NADU,
REP. BY ITS SECRETARY,
HIGHER EDUCATION DEPARTMENT,
FORT ST. GEORGE,
CHENNAI – 9.

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M.DHANDAPANI,J.
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