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WA(MD) No. 836 of 2



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24-06-2026

CORAM

THE HON'BLE MR JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MS.JUSTICE R. POORNIMA

WA(MD) No. 836 of 2024

and

C.M.P.(MD)No.6233 of 2024

The Registrar
Bharathidasan University,
Trichy-23.

..Petitioner(s)

Vs

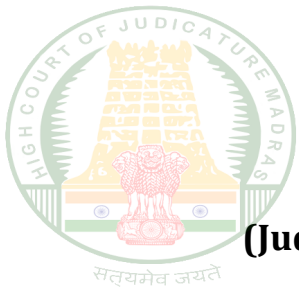
Dr. K.Jayaraman,
S/o R.Karuppan,
No.24, Pensioners Colony,
Trichy-23.

..Respondent(s)

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, to set aside the order dated 27-03-2023 in W.P.(MD).No.14261 of 2019 on the file of this Court.

For Petitioner(s): M/s.V.R.Shanmuganathan

For Respondent(s): Mr.V.Karthikeyan,
for Mr.V.Vijay Shankar.



JUDGMENT

(Judgment of the Court was delivered by G.R.Swaminathan J.)

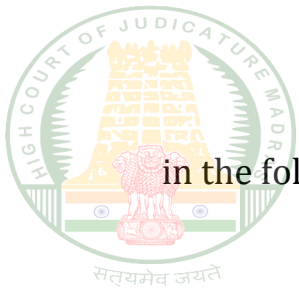
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Heard both sides.

2. The Registrar, Bharathidasan University, Trichy is on appeal assailing the order dated 27.03.2023 made in W.P.(MD)No.14261 of 2019 filed by the respondent herein Dr.K.Jayaraman.

3. Dr.K.Jayaraman was regularly appointed on 03.10.2005 as Lecturer in the Department of Educational Technology. He was conferred with the benefit under Career Advancement Scheme on 23.12.2020. His case is that since he had joined the service as early as on 22.08.2001, his services should be reckoned from the said date. Since the University did not accede to the said request, W.P.(MD)No.14261 of 2019 was filed. Dr.Jayaraman relied on two appointment orders dated 18.04.2002 and 22.08.2001 in support of his claim. The University seriously contested the genuineness of the said appointment letters. According to them, Dr.Jayaraman was working only as a guest lecturer and was drawing hourly pay.

4. The learned single Judge was of the view that the petitioner's services should be reckoned from 18.04.2002 onwards and granted relief



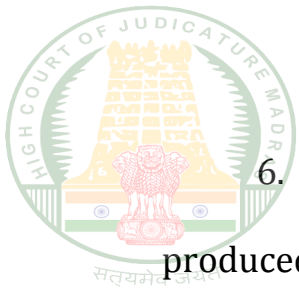
in the following terms.

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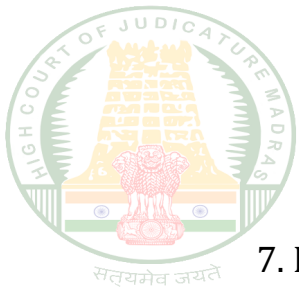
“5. The petitioner further relied on the Teaching Experience Certificate issued on 08.07.2011 whereas the teaching experience certificate specifically states that the date of appointment on temporary basis is from 22.08.2001 to 02.10.2005 and experience period is “4 years 1 month 20 days” in time scale of pay of Rs.8000-275-1000. However, this claim is refuted by the respondent stating that the appointment order was issued on 26.08.2002 whereas in the teaching experience certificate it was mentioned as 22.08.2001. Since there is inconsistent in the appointment order, the respondent has initiated disciplinary proceedings. Such contention cannot be accepted, since subsequently, the disciplinary proceedings were resolved to be dropped.

6. Therefore, the petitioner is entitled to count his service. However, this Court is inclined to grant relief from the date of appointment order that is on 18.04.2002 only. The impugned order is quashed and the respondent is directed to count the service from 18.04.2002 to 02.10.2005 for the purpose of fixation of scale of pay under Career Advancement Scheme. The said exercise shall be completed within a period of eight (8) weeks from the date of receipt of a copy of this order.”

5. The question that calls for consideration is whether this order deserves to be interfered with.



6. Since the University was of the view that Dr.Jayaraman had produced fake letters of appointment, disciplinary action was initiated against him. The enquiry officer found that the charges were proved. But the Syndicate dropped the charges by accepting his explanation. Though the explanation given by Dr.Jayaraman before the Enquiry Officer was at variance with the explanation given by him before the Sub-Committee of the Syndicate, we have to necessarily go only by the subsequent explanation dated 11.05.2018. In the said explanation, Dr.Jayaraman had categorically stated that he had been serving the University on temporary basis from 2001 onwards. That apart, what clinches the issue is the letter bearing Ref.No.21554/E7/93 dated 26.08.2002 sent by the Registrar, Bharathidasan University seeking approval of NCTE for conducting M.Ed., Course. For starting such a course, the requirement is that there must be a faculty strength of five. Dr.Jayaraman was shown as one of the five. In the said letter, it has been specifically mentioned that Dr. Jayaraman was appointed as Lecturer in the Department of Educational Technology on 26.08.2002 under the SC category. This compliance report was referred to in the subsequent communication sent by NCTE on 07.11.2002. Thus, when Bharathidasan University had shown Dr.Jayaraman as a temporary lecturer with effect from 26.08.2002, now they cannot be allowed to turn around.



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7. Regulation 10.1(f) of the UGC Regulations reads as follows:-

“10.1 ...

(a) ...

(b) ...

(c) ...

(d) ...

(e) ...

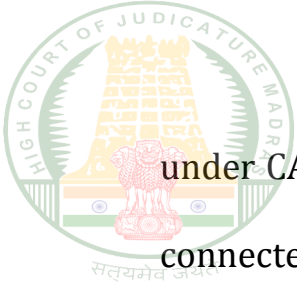
(f) The previous appointment was not as guest lecturer for any duration, or an ad hoc or in a leave vacancy of less than one year duration. Ad hoc or temporary service of more than one year duration can be counted provided that:

(i) the period of service was of more than one year duration;

(ii) the incumbent was appointed on the recommendation of duly constituted Selection Committee; and

(iii) the incumbent was selected to the permanent post in continuation to the ad hoc or temporary service, without any break.”

8. Admittedly, the writ petitioner had served the University as temporary lecturer for more than one year. His service was relied upon to obtain recognition from NCTE. Therefore, the said period should be duly taken into account. The petitioner’s services with effect from 26.08.2002 till 02.10.2005 shall be reckoned for the purpose of conferring the benefit



under CAS. This writ appeal stands partly allowed. No costs. Consequently,
connected miscellaneous petition is closed.

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(G.R.S.,J.) (R.P.,J.)
24-06-2026

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

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Note : Issue order copy on 29.06.2026.



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**G.R.SWAMINATHAN, J.
AND
R.POORNIMA, J.**

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