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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date of Reserving the Order	Date of Pronouncing the Order
15.07.2026	07.08.2026

CORAM:

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD) No.8771 of 2026
and
W.M.P.(MD) Nos.7101 &7102 of 2026

Dr.A.Mahaboobjan ... Petitioner

-vs-

1.The State of Tamil Nadu
rep.by its Secretary to Government
Higher Education Department
St.George Fort, Chennai

2.The Vice Chancellor /
Convenor Committee
Bharathidasan University
Trichy, Trichy District

3.The Registrar
Bharathidasan University
Trichy, Trichy District ... Respondents

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PRAYER: 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 minutes issued by the third respondent vide his proceedings in Ref.No.2851/A1/2025 dated 29.10.2025 and quash the same as illegal in so far as it relates to deferring the promotion to the post of Senior Professor from the post of Professor vide Clause 2025.79.21 is concerned and consequently to direct the respondents to promote the petitioner to the post of Senior Professor with retrospective effect within the period that may be stipulated by this Court.

For Petitioner : Mr.H.Mohammed Imran
for M/s.Ajmal Associates

For Respondents : Mr.M.Dinesh Hari Sudarsan
Counsel for Govt. of Tamil Nadu for R1
Mr.VR.Shanmuganathan for R2 & R3

O R D E R

For better appreciation, the brief and admitted facts that are relevant for the disposal of this writ petition are stated hereunder:

1.1. The petitioner herein was appointed as a Professor in the respondent – University and he joined as such on 27.12.2012. On having completed ten years of service in the

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post of Professor, the petitioner has made a claim for promotion under Career Advancement Scheme (CAS) from the post of Professor (Level-14) to the post of Senior Professor (Level-15) in terms of the UGC Regulations on Minimum Qualifications for Appointment of Teachers and Other Academic Staff in Universities and Colleges and Measures for the Maintenance of Standards in Higher Education, 2018, notified *vide* notification dated 18.07.2018 (UGC Regulations, 2018) issued by the University Grants Commission (UGC), as adopted by the State of Tamil Nadu *vide* G.O.(Ms) No.5, Higher Education (H1) Department, dated 11.01.2021.

1.2. In terms of the said UGC Regulations, 2018, the respondent – University issued a circular No.835/H4/2023, dated 12.06.2023, inviting applications from the eligible faculty members for promotion under CAS in the prescribed application format and in response thereto, the petitioner has submitted his application on 01.07.2023. The application submitted by the petitioner was processed by the respondent – University considering the service rendered by him from

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27.12.2012 to 26.12.2022 and on having confirmed that the petitioner had the requisite minimum number of publications i.e., ten publications, the matter was placed before the Screening Committee held on 19.11.2024 and the case of the petitioner was considered and recommended by the Screening Committee to be placed before the Syndicate of the respondent – University.

1.3. The Syndicate of the respondent – University, in it's 255th meeting held on 27.11.2024, *vide* Item No.2024.86, resolved that the matter be placed before the Finance Committee for it's approval. When the matter was placed before the 79th meeting of the Finance Committee, the proposal pertaining to the promotion to the post of Senior Professor was deferred on the ground that there exists no provision for such a post of Senior Professor under the Bharathidasan University Act or the Statutes framed thereunder. Thus, it was concluded that in the absence of any statutory provision recognizing the post of Senior Professor, the grant of promotion under CAS cannot be considered. The

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conclusion of the Finance Committee was approved by the respondent – University on 29.10.2025.

1.4. It is aggrieved by the Minutes of the respondent – University *vide* Ref.No.2851/A1/2025, dated 29.10.2025, insofar as Item No.2025.79.21 is concerned, the petitioner has approached this Court by filing the present writ petition and also sought for a consequential direction to the respondents to promote him to the post of Senior Professor with retrospective effect.

1.5. The relevant portion of the impugned minutes which reads as under:

> *"2025.79.21 To consider the promotion under Career Advancement Scheme (CAS) from Professor (Academic Level-14) to Senior Professor (Academic Level-15)*
>
> *Resolved to defer the consideration of promotion under the Career Advancement Scheme (CAS) from Professor (Academic Level-14) to Senior Professor (Academic Level-15), as the provision for said post was not part of Bharathidasan University Act and Statutes."*

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1.6. At this juncture, it is necessary to note that at the time of issuing the impugned proceedings, there was no Vice Chancellor for the respondent – University and the functions of the Vice Chancellor were being performed by a Committee constituted for the said purpose.

2. In the light of the above undisputed facts, this Court has to examine the matter. The only question that would arise for consideration in this writ petition is as to whether the decision of the Finance Committee in it's 79th meeting to defer the consideration of promotion to the post of Senior Professor on the ground that no such post exists in the respondent – University or in it's statutes is justified or not.

3. The core contention raised by the learned counsel for the petitioner is that there is no necessity to have any sanctioned post of Senior Professor in order to extend the benefit of CAS, in terms of the UGC Regulations, 2018, to a Professor on completion of ten years of service and it is the promotion to the person as such and once the person, who was conferred with such benefit, retired or relieved from the said post, the resultant vacancy

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will be only in the post of Professor and therefore, the question of the post of Senior Professor being shown in the statute book of the respondent – University does not arise. In other words, he submits that the promotion to the post of Senior Professor is personal to the person holding the post of Professor on completion of ten years of service and therefore, the question of the post of Senior Professor being available in the statute books of the respondent – University is a total misconception of the UGC Regulations, 2018, and the Career Advancement Scheme, by the respondents. Further, he contends that several Professors were extended the benefit of promotion under CAS for the past several years and it is only when the petitioner's case came up for consideration, a discriminatory decision has been taken by the 79th Meeting of Finance Committee and the same was erroneously approved by the respondent – University. Thus, he contends that the petitioner is deprived of his legal entitlement by virtue of the resolution passed in the 79th Meeting of Finance Committee and approved by the respondent – University. Thus, he complains that the petitioner is discriminated in violation of Articles 14 and 16 of the Constitution of India. Further, he submits that, during the pendency of this writ petition, the petitioner has attained the age of superannuation and therefore, he is entitled for conferment of the benefit of promotion notionally and for payment of the consequential monetary benefits.

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4. On the other hand, Mr.VR.Shanmuganathan, learned counsel appearing for the respondents 2 & 3, having taken this Court to the counter-affidavit filed by the third respondent, fairly submitted that as a matter of fact, promotions were effected to the post of Senior Professor till the recent past and several persons have been promoted to the post of Senior Professor without insisting for creation or availability of the post of Senior Professor in the statute book of the respondent – University, but it is because of the decision taken by the Finance Committee, the respondent – University cannot proceed further and unless and until the statutes are appropriately amended creating the post of Senior Professor in the respondent – University, the case of the petitioner for promotion to the post of Senior Professor cannot be considered. He further submits that though the case of the petitioner was already cleared and recommended by the Screening Committee, the same is required to be placed before the Selection Committee to be constituted by the Vice Chancellor of the respondent – University and the petitioner has to undergo the interaction with the Selection Committee and then only the matter can be placed before the Syndicate for taking appropriate decision. He also drew the attention of this Court to the relevant UGC Regulations, 2018, which provides for interaction with the Selection Committee etc. Thus, he

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contends that once the post of Senior Professor is created in the respondent – University, appropriate steps would be taken to consider the case of the petitioner, in accordance with law, for conferment of promotion to the post of Senior Professor.

5. This Court has carefully considered the submissions made on either and also perused the entire materials on record.

6. It is not in dispute that the Screening Committee has already cleared the case of the petitioner for promotion to the post of Senior Professor i.e., from Level-14 to Level-15, under CAS, in terms of the UGC Regulations, 2018, and recommended the same to the Syndicate of the respondent – University. However, before the matter is placed before the Syndicate, the matter was placed before the Finance Committee and the Finance Committee decided to defer the promotions to the post of Senior Professor on the ground that there is no post of Senior Professor available in the statute book of the respondent – University.

7. Whether the said decision of the Finance Committee is in accordance with law or not is to be examined.

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8. A careful perusal and consideration of the UGC Regulations, 2018, read with the Government Order in G.O.(Ms) No.5, dated 11.01.2021, shows that absolutely there is nothing to indicate that there was any necessity to create the post of Senior Professor so as to extend the benefit of CAS to the eligible Professor by promoting him to the post of Senior Professor i.e., from Level-14 to Level-15. The Career Advancement Scheme itself has been introduced with a view to encourage the teaching staff and to avoid stagnation in a particular post for a long period and to avoid frustration among the teaching staff. The implementation of the UGC Regulations, 2018, is mandatory on the part of the respondent – University and this aspect of the matter is also governed by various Regulations issued by UGC. It is only in terms of the UGC Regulations, 2018, the respondent – University issued a circular No.835/H4/2023, dated 12.06.2023, inviting applications from the eligible Professors for promotion to the post of Senior Professor. In response to the said circular only, the petitioner submitted his application and the same was considered and recommended by the Screening Committee. If the stand of the Finance Committee is to be accepted, it is not understood as to why the respondent – University has issued the said circular and invited applications for promotion to the post of Senior Professor. The Finance

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Committee appears to have not understood the very Scheme of Career Advancement and the purport of UGC Regulations, 2018, in it's proper perspective. When the benefit of promotion to the post of Senior Professor is with reference to a specific person on satisfying the eligibility criteria of number of years of service and number of publications etc., and the said post is not going to exist once the said person gets relieved from the said post, the question of creating a post in the cadre of Senior Professor does not arise. When such a promotion is governed by a statutory scheme formulated by the UGC, as adopted by the State of Tamil Nadu, the view of the Finance Committee that there should be a post of Senior Professor so as to consider the request of a Professor for promotion to the post of Senior Professor under CAS is totally erroneous and suffers from sheer non-application of mind. This is also evident from the fact that the respondent – University admittedly has already undertaken such promotions from the post of Professor to the post of Senior Professor under CAS from time to time for the past several years and the latest of the same being *vide* proceedings bearing Ref.No.39941/A1/2023, dated 30.01.2024. It is also an admitted fact that several Professors have been conferred with the benefit of promotion under CAS to the post of Senior Professor for all these years as is evident from the counter-affidavit of the third respondent at Paragraph No.14, which reads as under:

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> *"14. It was further submitted that the averments in Paragraph 8 of the affidavit of the writ petitioner, to the effect that, till 30.01.2024, the petitioner's seniors were granted the post of Senior Professor, are correct. It is submitted that, at the relevant time, approvals were accorded by the Vice-Chancellor prior to the subsequent decision requiring that all promotions under the CAS be placed before the Finance Committee for approval, in order to avoid potential audit objections."*

The only reason for taking a different approach in the case of the petitioner alone appears to be that the post of Vice Chancellor is vacant and the same is being administered by a Committee and the said Committee appears to be totally unaware of the Scheme of Career Advancement and not ready to take any responsibility and instead made an attempt to shurk it's responsibility, thereby prejudicing the rights of the petitioner.

9. No doubt, it is contended in the counter-affidavit that mere recognition by the Screening Committee will not entitle the petitioner to claim promotion to the post of Senior Professor as a matter of right, unless he undergoes the required procedures as contemplated under the UGC Regulations, 2018, which contemplates interaction with the Selection Committee constituted in accordance with the UGC Regulations, 2018, for

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claiming the benefit of promotion from Level-14 to Level-15. The relevant portion from the UGC Regulations, 2018 reads as under:

> *"V. Professor (Academic Level 14) to Senior Professor (Academic Level 15)*
> *A Professor can be promoted to the post of Senior Professor under the CAS. The promotion shall be based on academic achievement, favourable review from three eminent subject-experts, who are not of the rank lower than the rank of a Senior Professor or a Professor having at least ten years of experience. The selection shall be based on 10 best publications during the last 10 years and interaction with a Selection Committee constituted in accordance with these Regulations."*

10. From the above, it is evident that the promotion shall be based on the academic achievement, favourable review from three eminent subject-experts, who are not of the rank lower than the rank of a Senior Professor or a Professor having at least ten years of experience and the selection shall be based on ten best publications during the last ten years and interaction with the Selection Committee.

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11. Insofar as the first two steps are concerned, the petitioner has already cleared and his case was accordingly, recommended by the Screening Committee. What is left is only the interaction with the Selection Committee. It is only the interaction with the Selection Committee, but not an interview, thereby indicating that it is only a mere formality. But, for the failure of the respondents to act in accordance with law, the petitioner would have got the benefit of promotion to the post of Senior Professor while he was in service. Therefore, merely because the petitioner has retired from service during pendency of this writ petition, shall not deprive him of his legal entitlement, and it is the duty of this Court to remedy such blatant errors and render justice.

12. As this Court has already come to the conclusion that the action of the Finance Committee as well as the respondent – University in being indifferent to the case of the petitioner for promotion to the post of Senior Professor is erroneous, discriminatory and is a result of failure to understand the very Career Advancement Scheme, the impugned proceedings dated 29.10.2025 is liable to be declared as highly arbitrary, illegal and the one suffers from non-application of mind and as such the same is liable to be quashed.

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13. Accordingly, the impugned proceedings, dated 29.10.2025, issued by the third respondent, is hereby quashed with a further direction to the respondents to process the claim of the petitioner for promotion from the post of Professor (Level-14) to the post of Senior Professor (Level-15) in the respondent – University by duly constituting a Selection Committee and subject the petitioner to formality of interaction with the Selection Committee taking into consideration the observations made hereinabove and extend the benefit of promotion to the petitioner to the post of Senior Professor (Level-15) under CAS notionally and to release all other consequential benefits, including monetary benefits, to the petitioner, as expeditiously as possible, at any rate, within a period of two months from the date of receipt of a copy of this order.

14. Accordingly, this writ petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

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NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Speaking / Non-Speaking Order
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To:
The Secretary to Government,
Higher Education Department,
State of Tamil Nadu,
St.George Fort, Chennai.

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MUMMINENI SUDHEER KUMAR, J.

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ORDER
IN
W.P.(MD) No.8771 of 2026
and
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