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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-07-2026

CORAM

THE HON'BLE MS. JUSTICE P.T. ASHA

WP No. 14987 of 2026
and
WMP.Nos.16209 & 16210 of 2026

Dr.K.M.A.Ahamed Zubair
Associate Professor
Department of Arabic
The New College (Autonomous)
Chennai - 600 014.

..Petitioner

Vs

1. The State of Tamil Nadu
   Rep. by its Principal Secretary
   Department of Higher Education
   Fort St. George, Chennai 600 009.

2. The Commissioner of Collegiate Education
   577, Anna Salai, Saidapet,
   Chennai - 600 015.

3. The Joint Director of Collegiate Education
   Chennai Region, Saidapet,
   Chennai 600 015.

4. The Secretary and Correspondent
   The New College (Autonomous)
   87 Peters Road, Royapettah,
   Chennai 600 014.

..Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the impugned orders of the 1st respondent vide GO.Ms.No.78 Higher Education (H1) Department dated 23.04.2015 and the Government Letter (Ms) No 66, Higher

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Education (H1) Department dated 03.03.2016 and GO.Ms.No.101 Higher Education (H1) Department dated 28.05.2018 and the consequential orders of the 3rd respondent in Mu.Mu.No.5202/A1/2015 dated 27.05.2016 and the 3rd respondent in Rc.No.1312/F1/2022-2 dated 12.07.2022 and quash the same insofar as it restricts the monetary benefit for the petitioner for promotion as Assistant Professor (Academic Level-11), Assistant Professor (Academic Level-12) and further direct the respondents 1 to 3 to disburse forthwith to the petitioner, the salary and other benefits attached to petitioner's promotion as Assistant Professor (Academic Level-11) with effect from 02.10.2012, Assistant Professor (Academic Level-12) with effect from 06.11.2016, and Associate Professor (Academic Level-13A) with effect from 06.11.2019 and pass orders.

For Petitioner:	Mr.Godson Swaminathan of M/s.Isaac Chambers
For Respondents:	Mr.L.Gokulraj Government Advocate for R1 to R3 Mr.A.Abdul Rahim for R4

ORDER

The writ petition has been filed for the following relief :

" *To call for the impugned orders of the 1st respondent vide GO.Ms.No.78 Higher Education (H1) Department dated 23.04.2015 and the Government Letter (Ms) No 66, Higher Education (H1) Department dated 03.03.2016 and GO.Ms.No.101 Higher Education (H1) Department dated 28.05.2018 and the consequential orders of the 3rd respondent in Mu.Mu.No.5202/A1/2015 dated 27.05.2016 and the 3rd respondent in Rc.No.1312/F1/2022-2 dated 12.07.2022 and quash the same insofar as it restricts the monetary benefit for the petitioner for promotion as Assistant Professor (Academic*

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Level-11), Assistant Professor (Academic Level-12) and further direct the respondents 1 to 3 to disburse forthwith to the petitioner, the salary and other benefits attached to petitioner's promotion as Assistant Professor (Academic Level-11) with effect from 02.10.2012, Assistant Professor (Academic Level-12) with effect from 06.11.2016, and Associate Professor (Academic Level-13A) with effect from 06.11.2019 ."

2. The petitioner is now working as Associate Professor, in the Department of Arabic in 4th respondent-College. He was initially appointed as Lecturer on contract basis on 06.12.1998. With the advent of G.O.Ms.No.350 Higher Education (H1) Department dated 09.09.2009, the post of Lecturer was re-designated as Assistant Professor granting Academic Grade Pay of Rs.7,000/- per month.

3. While so, the petitioner was promoted from the post of Assistant Professor Academic Level-10 to Assistant Professor Academic Level-11 with effect from 02.10.2012 under the Career Advancements Scheme (CAS) vide proceedings of the 3rd respondent in Mu.Mu.No.5202/A1/2015 dated 27.05.2016, but the monetary benefits of the said post was to take effect from 01.04.2015. The petitioner had thereafter applied for the next levels of promotion vide separate applications dated 22.09.2021. His applications were placed before the Scrutiny-cum-Evaluation Committee, and based on their

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recommendations, the 3rd respondent vide its proceedings in Rc.No.1312/F1/2022-2 dated 12.07.2022, had promoted the petitioner to the post of Assistant Professor Level-12 w.e.f. 06.11.2016, however it directed that the monetary benefits of the said post would take effect from 01.08.2018. The petitioner would submit that the monetary benefits have been purportedly restricted in respect of the petitioner by quoting G.O.Ms.No.78, Higher Education (H1) Department dated 23.04.2015 and Letter (Ms) No.66, Higher Education (H1) Department, dated 03.03.2016, and G.O.(Ms) No.101 Higher Education (H1) Department, dated 28.05. 2018. He would submit that the said Government Orders *inter alia* provides sanction of Academic Grade Pay (AGP) under the Career Advancement Scheme (CAS) to the Assistant Professors appointed in Government / Government Aided Colleges.

4. Aggrieved by the impugned orders, the petitioner has filed this writ petition before this Court to quash the aforesaid G.O.s as well as the impugned proceedings of the 3rd respondent.

5. The contention of the petitioner is that though the 3rd respondent, the Joint Director of Collegiate Education had granted promotions to the petitioner to the post of Assistant Professor Level-11 and Assistant Professor Level-12 in the year 2012 and 2016, however the consequential monetary benefits which the petitioner is entitled to based on his promotion, has taken effect only on

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01.04.2015 and 01.08.2018, which is illegal and irrational. He would also plead that the monetary benefits in full were paid to the teaching faculty under CAS, in Government Colleges, however the same was denied to him. Hence, the petitioner is before this Court seeking the aforesaid relief.

6. It is brought to the notice of the Court by the learned counsel for the petitioner that similar matter was entertained by the Madurai Bench of the Madras High Court in W.P(MD) No.22547 of 2024, wherein the petitioner therein had prayed for a mandamus to disburse the monetary benefits due to him, under CAS. The learned Single Judge by order dated 23.09.2024 had directed the respondents to disburse the said amount within twelve weeks. This was taken on appeal by the respondent-State in W.A.(MD) No.893 of 2025 and the Division Bench of this Court by order dated 03.04.2025 had rejected the appeal and confirmed the order of the Single Judge.

7. It is also informed before this Court that since the petitioner's candidature was found satisfactory by the Committee for the next promotional post of Assistant Professor Level 13A, the 3rd respondent had accorded sanction orders for the said post vide proceedings in Rc.No.8095/F1/2022 dated 06.11.2019, enclosing the statement of award, which *inter alia* provides that the petitioner was moved to Associate Professor Level-13A on 06.11.2019, and that the monetary benefit for Level-13A would take effect from 06.11.2019, i.e., on

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the date on which the petitioner was promoted to Level-13A.

8. Today, the learned counsel appearing for the petitioner on instructions would submit that the petitioner restricts its claim only to the implementation of the orders passed by the 3rd respondent dated 17.02.2023 in and by which, it sanctions Career Advancement to the petitioner to move from Assistant Professor Level 12 to Associate Professor Level 13, wherein the respondent had agreed to sanction the monetary benefit for Professor Level-13A w.e.f. 06.11.2019, which is the date on which the petitioner was moved to Level-13A. However, the learned Government Advocate appearing for the respondents seeks time to file counter.

9. Heard both sides and also perused the materials placed on record.

10.1 It is rather surprising that the respondents seeks time to file counter when the petitioner has given up his claim for Certiorari to quash the aforesaid Government Order and the proceedings of the 3rd respondent and ultimately, restricts the prayer only to the implementation of the order dated 17.02.2023 passed by the 3rd respondent, the Joint Director of Collegiate Education, Chennai. In this circumstances, the request to file a counter is absolutely unnecessary and appears to be an attempt to delay in making payment to the petitioner.

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10.2 The other argument that has been advanced by the learned counsel for the respondents was that if the writ petition is allowed, it would invoke huge monetary implications. This argument cannot be accepted for the simple reason that the order in question was passed after fully comprehending such implications, particularly, when the order clearly states that the monetary benefits would be postponed to a later date. Therefore, this Court is unable to accept this argument as well.

11. Though the original relief was to quash the aforesaid G.Os and the impugned orders of the 3rd respondent, however, considering the fact that now the petitioner has practically restricted his claim only to a mandamus seeking implementation of the order dated 17.02.2023 passed by the 3rd respondent, the said writ petition is disposed of, directing the 3rd respondent to give effect to the order dated 17.02.2023 and disburse the amount as per the tabulation annexed to the said impugned order, within a period of twelve weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

16-07-2026

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

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To:

1. The Principal Secretary,
   State of Tamil Nadu
   Department of Higher Education,
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2. The Commissioner of Collegiate Education
   577, Anna Salai, Saidapet,
   Chennai - 600 015.

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   Chennai Region, Saidapet,
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