

(1994) 09 MAD CK 0011

In the Madras High Court

Case No : Writ Petition No. 356 of 1993 and W.A. No. 1098 of 1993

C. Arumugam

APPELLANT

Vs

The University of Madras

RESPONDENT

Date of Decision : 30-09-1994

Acts Referred:

Constitution of India, 1950 — Article 226

Madras University Act, 1923 — Section 16, 16(1), 16(8), 19, 24

Citation : (1994) 09 MAD CK 0011

Hon'ble Judges : K.A. Swamy, C.J.;Somasundaram, J

Bench : Division Bench

Advocate : K.P. Krishna Shetty, for the Appellant; C. Chinnaswami, for P. Jyothimani, for the Respondent

Final Decision : Dismissed

Judgement

Somasundaram, J.—As the parties to the Writ Petition 2356/93 and Writ Appeal 1098/93 are same and the points involved in both the

matters are common, they are disposed of by this common judgment. For the sake of convenience, the Appellant in Writ Appeal 1098/93 will be

also referred to as Petitioner in this judgment.

2. The Petitioner has filed Writ Petition 2356 of 1993 for the issue of a Writ of Certiorari to quash the Resolution dated 25.9.1992 passed by the

Senate of the Respondent university, which sought to implement the Resolution of the Syndicate of the University dated 22.9.1992 regarding the

Career Development Scheme for teachers in the Respondent University and the eligibility conditions prescribed in Annexure for item No. 1 in the

Special Meeting of the Syndicate, dated 22.9.1992 under the caption ""Career Development Scheme for University Teachers"". The Petitioner has

been working since 1974 as Reader in the Department of Management Studies, University of Madras - the Respondent herein. The Syndicate of

the Respondent University passed a Resolution dated 22.9.1992, regarding the promotional scheme for University Teachers under the caption

Career Development Scheme for University Teacher"". Thereafter, the matter was brought before the Senate in a Special Meeting of the Senate

held on 25.9.1992. The Senate, after discussing the ""Career Development Scheme for University Teachers"" contemplated in the Syndicate

Resolution of 22.9.1992, passed a Resolution on 25.9.1992 as:

Resolved to request the Syndicate to implement the Merit Promotion scheme for the Lecturers and Readers in our University without any delay, in

consultation with the Madras University Teachers" Association, following the norms in vogue since 1984.

It is this Resolution of the Senate made the Syndicate Resolution operative. The eligibility conditions prescribed for promotion under the above-

said ""Career Development Scheme"" are mentioned in the Annexure for item No. 1 to the Syndicate Meeting of the Syndicate, 21.9.1992. They

are as follows:

CAREER DEVELOPMENT SCHEME FOR UNIVERSITY TEACHERS

In consolidated form as approved by syndicate of University of Madras upto 12.2.1993. The salient features of this scheme are as follows:

1. GENERAL

A University teacher may be promoted to a higher post based on a review conducted after the completion of a specified period of experience in

the lower post, as to his/her academic and research standing and contributions. Any one who completes the eligible period on 1.7.1989 onwards

shall be considered for review.

A teacher qualifies for review as and when he/she completes the specified number of years of service in this University provided there is no

disciplinary action that attracts extension of the period of review. After the review, if selected for promotion, the same may be given effect from the

date of qualifying for review itself regardless of whether one was directly recruited, merit-promoted or promoted, on Career Advancement earlier.

The substantive posts, however, will be either lecturer or Reader for which the posts will be reverted once the individual vacates his/her position on

promotion by recruitment to higher post, resigns, retires, etc.

2. EXPERIENCE/SERVICE

A period of 6 years of service as Reader in this University for the Readers and a period of 6 years service in the senior scale or 8 years total

service in Lecturer/Senior Grade Lecturer of which at least 8 years service shall be in this University for the Lecture shall be considered as a

qualifying period for review of a teacher for promotion under this scheme provided they possess a Ph.D/M.D. Degree except where the period will

be extended for disciplinary reasons and for non-possession of Ph.D/M.D.

3. QUALIFICATION

Possession of a Ph.D/M.D Degree is the minimum qualification for a Reader to qualify for review for promotion to Professor in all

Departments/Disciplines. For Lecture of all Departments/Disciplines, a M. Phil/Master's Degree holder may be considered for review after 11

years of service in this University and if promoted at or after 11 years without Ph.D/M.D., he/she shall acquire a Ph.D/M.D. Degree within 3 years

after promotion, to qualify for further increments in the Reader's scale.

4. ACADEMIC AND RESEARCH STANDING AND SELECTION

Promotion may be decided on the basis of a review as to the academic and Research Standing of the teacher. A committee with the Vice

Chancellor as Chairperson and two experts nominated by the Vice Chancellor will scrutinise the Bio-data of the teacher for his/her qualification,

experience, academic and research standing/contribution viz., number of M. Phil and Ph.D candidates guided, the number and quality of

publications, conduct of seminars etc., and give its recommendation to the Syndicate.

Note: The term ""University"" means ""University of Madras"".

5. ADDITIONAL DETAILS OF THE SCHEME

1.(a) The University has followed certain criteria viz., Research Guidance, sponsored projects, publications and editing of books/proceedings,

National and International Journal publications and conduct and presentation of papers in Seminars for the Career Development Scheme

(Annexure 1).

(b) To evaluate the credibility of teachers such as production of Ph.D., M. Phil.

students, guiding of Research Scholars, paper published in

National or International Seminars, books and journals published etc., teachers were asked to furnish the information in the format prescribed for

the above purpose.

2.(a) The present scheme provides for continuous review every three months to give opportunity for other teachers as and when they achieve

credits;

(b) Candidates who do not fulfil the minimum credit points fixed for Career Development Scheme on 31.12.1992 or any later date of review are

eligible for consideration in the subsequent quarterly reviews,, but their promotion may be given effect delayed by 3/6/9 months as the case may be

from their original qualifying date.

(c) Such of those who could not get through in a particular review for want of adequate credits, may be called by the Vice Chancellor for a

personal discussion to inform them of their strength and weakness so that they could give more attention to specific areas and improve themselves

to be eligible for promotion in subsequent reviews.

3.(a) This scheme is an achievement oriented scheme with the inner motive that only deserving teachers could get the benefit.

(b) It is mainly for recognition of achievement and not for financial benefit The pay of the promotees will be fixed only in the next higher stage and

the Rule FR 22-B will not be applied for pay fixation. Moreover arrears will not be paid to the promotees but notional fixation would be made till

30-9-92 earlier cases and the date of orders to be issued in later cases. Hence financial commitment per year would be less.

(c) No higher posts will be created for accommodating the teachers who will benefit under this scheme. On vacation by the present incumbent at

higher posts it will revert to which they were appointed initially.

(d) Present Career Development Scheme with the prescribed norms is applicable only to incumbents presently on the rolls and for new entrants the

scheme may be revised taking into account the factors at that time, in respect of number of years of service before review, qualifications required,

weightage for different categories of achievements, etc. This future revision will also equally apply to the lecturers promoted to the Reader's post in

this present Career Development Scheme.

3. The case of the Petitioner is that the Resolution of the Senate dt. 25.9.1992 and eligibility conditions prescribed under the Career Development

Scheme are totally contrary to the provisions of the Madras University Act, 1923 (hereinafter referred to as the Act) and the Statutes mentioned in

Chapter IX of the University Calendar Volume 1. According to the Petitioner under the Resolution dt. 25.9.1992 and the newly created eligibility

conditions, the authorities in the University are functioning in an arbitrary manner to favour a few teachers ignoring the claims of experienced

teachers. Further the Petitioner challenges the Resolution dated 25.9.1992 and the eligibility conditions on the following grounds.

(a) That the impugned resolution is violative of Statute 7 of Laws of University, according to which full time teachers of the University shall be

selected by a committee ""consisting of the Vice-Chancellor, the Chairman of the Board of Studies concerned and four persons, who are experts in

the subjects in which the appointment is to be made, that the impugned resolution of 27.11.1992 on the other hand stipulates one Committee

consisting of three members to review research and academic standing of all teachers and the quality of their publications irrespective of the fact as

to which faculty they belong or which subject they specialised and that therefore the Constitution of the Committee is in total violation of Statute

No. 7 and hence void.

(b) The process of promotion adopted by the Respondent University for promotion under the Career Development Scheme is violative of Clause

(1) of Statute 7 of the Laws of University.

(c) The eligibility of conditions prescribed for promotion to the post of Reader under the impugned resolution and under the Career Development

Scheme, i.e., completion of 6 years of service instead of 10 years of service of teaching and research is violative of statute 6(i) of Chapter IX of

the Laws of the University and the minimum qualifications prescribed by the University Grants Commission.

4. The Respondent filed a counter affidavit as well as an additional counter affidavit in Writ Petition 2356/93 contending that the resolution

challenged in the writ petition and the career Development Scheme in no way contravene the provisions of the Act and the Statutes of the Laws of

University and therefore, they are perfectly valid.

5. Earlier, the Petitioner filed Writ Petition 17051 of 1993 challenging the Resolution of the Syndicate of the Respondent University dated

27.11.1992 relating to the constitution of a Committee to process the Bio-data of teachers for the purpose of conferring benefits to the eligible

teachers of the Respondent - University under the Career Development Scheme. The Petitioner challenged the said Resolution of the Syndicate on

the ground that the constitution of the committee to process the Bio-data of teachers by the resolution dated 27.11.92 is contrary to Statue 7. The

further case of the Petitioner is that the constitution of a Single Committee consisting of three members to review the research and academic

performance of all the, teachers belonging to different faculties, is illegal and arbitrary. The learned Judge, who heard the Writ Petition 17051 of

1993 did not accept the above contention of the Petitioner, upheld the validity of the Resolution of the Syndicate dated 27.11.1992 and dismissed

the said writ petition. Aggrieved by the order in W.P. 17051/93, the Petitioner has filed Writ Appeal 1098 of 1993.

6. In the light of the contentions raised by the petitioned in W.P. 2356/93 and Writ Appeal 1098 of 1993, the following points arise for

consideration.

(1) Whether the Resolution of the Senate dated 25.9.1992 which seeks to implement the Resolution of the Syndicate of the Respondent -

University dated 22.9.1992 with regard to the Career Development Scheme intended for the benefit of Lecturers and Readers in the first

Respondent university, is contrary to Sections 16(i) and 24(c) of the Act and Statute 1 and the third clause in Statues 7 of the laws of University?.

(2) Whether the eligibility conditions prescribed under the Career Development Scheme for promotion to the post of Professor from the post of

Reader are contrary to statute 6(i) of Chapter IX of the Laws of University and violative of the minimum qualifications prescribed by the University

Grants Commission for the post of Professor?.

(3) Whether the resolution of the Syndicate of the Respondent University dt. 27.11.92 relating to constitution of the Committee to process the bio-

data of teachers for making promotions and conferring benefits on the Lecturers and Readers under the Career Development Scheme of the

Respondent University is valid?

7. Point No. 1: With regard to point No. 1 the contention of Dr. K.P. Krishna Shetty, the Learned Counsel for the Petitioner is, that according to

Section 16(1) of the Act, the Senate has the power to institute, after consultation with the Academic Council, Professorships, Readerships and

other teaching posts required by the Respondent University, that u/s 24(c) of the Act, the Academic Council has the power to make proposals to

the Senate and the Syndicate for institution of Professorships, Readerships, Lecturerships and other teaching posts, that under statute 1 of Chapter

IX of the Laws of University, the Senate has power to determine from time to time after considering the recommendations of the Academic

Council and Syndicate the subjects for which Professorships Readerships, Lecturerships or other teaching posts should be instituted and the

several terms and conditions subject to which, such Professorships, Readerships, Lecturerships or other teaching posts should be instituted and

that the impugned Resolution dt.25.9.1992 which has authorised the University authorities to promote Readers to the posts of professors and

Lecturers to the posts of Readers under the Career Development. Scheme is invalid, because the said Resolution dt. 25.9.1992 is not in

accordance with the provisions of Sections 16(8) and 24(c) of the Act and Statute 1 of the Laws of University referred above. The Learned

Counsel for the Petitioner further contended that the impugned Resolution seeks to authorise the University authorities to promote Lecturers to the

post of Readers and Readers to the post of professors which are not instituted as provided under the provisions of Sections 16(a) and 24(c) of the

Act and Statute 1 of the Laws of University and which are not actually there. We are unable to accept the above contentions of the Learned

Counsel for the Petitioner. As rightly contended by Mr. C. Chinnaswami, the learned Senior Counsel for the Respondent, the implementation of

Career Development Scheme for the University Teachers only facilitates the teachers to claim benefits of higher posts after review. There is no

actual promotion to the higher posts. It is only tends to give monetary benefits to those who are qualified and are eligible to the higher posts but are

nevertheless stagnated due to non-availability of higher posts in sufficient numbers. It does not amount to institution of Professorships or

Readerships in the Departments as contended on behalf of the Petitioner and therefore, Sections 16(8) and 24(c) of the Act or Statute 7 of

Chapter IX or the Laws of the University would have no application to the promotions made or benefits conferred on the teachers under Career

Development Scheme. Section 19 of the Act deals with the powers of the Syndicate and Section 19(g) gives power to the Syndicate to appoint

the University Professors, Readers, Lecturers and the Teachers and the servants of the university, fix their emoluments if any, define their duties

and conditions of their service and provide for the filling up of temporary vacancies. The power of appointment conferred on the Syndicate u/s

19(g) of the Act includes the power to give further promotion. The Career Development Scheme only prescribes the qualifications and various

conditions including experience for the purpose of promotion to the higher posts and therefore, it cannot be equated to the institution of the posts of

Professorships, Readerships, Lecturerships etc. Further, as per the norms laid down under the Career Development Scheme, the Teacher who will

be promoted to the higher post need not be shown against a permanent existing vacancy. As stated in the counter affidavit filed on behalf of the

Respondent, the promotion made under Career Development Scheme is only personal to the incumbent and meant only for monetary benefits

based on merit and not for any other purposes. It is the specific case of the Respondent that the University under Career Development Scheme is

not promoting any teacher to the existing vacant post. Therefore, the Career Development Scheme does not involve the institution of any new post

of Readers or Professors, as contended by the Learned Counsel for the Petitioner and we are of the view that the Career Development Scheme

does not in any way contravene the provisions of Sections 16(8) and 24(c) of the Act and Statute 7 of Chapter IX of the Laws of the University.

The above position is also clear from para 5(4) of the Career Development Scheme which says no higher post will be created for accommodating

the teachers who will benefit under the said scheme and on vacation by the present incumbent at higher post it will revert to which they were

appointed initially. In these circumstances, it has to be held that the Resolution dt. 25.9.1992 and the provisions of Career Development Scheme in

no way offend Section 16(8) and 24(c) of the Act and the provisions of the Statutes. Hence we reject the first contention of the Learned Counsel

for the Petitioner and answer the question raised in point No. 1 in the negative.

8. Point No. 2: As per paragraph 2 of the Career Development Scheme, the eligibility conditions prescribed for promotion from the post of

Reader to the post of Professor is that the teacher must possess Ph.D/M.D. degree and must have completed 6 years of service as Reader in the

University. According to Dr. K.P. Krishna Shetty, the Learned Counsel for the Petitioner, this eligibility condition prescribed for promotion to the

post of Professor falls short of the qualifications specified for the post of Professor in Statute 6(i) Chapter IX of the Laws of University, i.e. Ph.D

degree in the subject with not less than 10 years of teaching/research experience and therefore, the said eligibility conditions prescribed under the

Career Development Scheme for promotion to the post of Professor is violative of Statute 6(i) and consequently it has to be declared as invalid.

There is no merit in this contention of the Learned Counsel for the Petitioner. As already pointed out, the University under the career Development

Scheme does not promote any Reader to the existing vacant posts of Professor which alone comes under the purview of Statute 6(i). As already

pointed out, there is no actual promotion under Career Development Scheme to the post of Professor and other posts as the case may be. It is

only notional and intended to give only monetary benefits and thereby it intends to avoid stagnation in the lower post of Reader or Lecturer as the

case may be, for a long number of years. In this context, it is relevant to refer to the averments in paragraph 10 of the additional counter affidavit

filed in W.P. No. 2356/93 which runs as follows:

I respectfully state that the career Development Scheme was approved by the Syndicate and subsequently by the Senate only after considering the

details of the entire circumstances relating to the service conditions of the Teachers and also to provide for certain benefits in order to avoid

stagnation only to encourage them to bring a perfect academic atmosphere and confer certain professional benefits and recognition to the teachers

without creating any post which is within the power of the Syndicate under the provisions of the Madras University Act, 1923.

Further, as per the Career Development Scheme the period of six years-of service in the University for Readers is to be considered as a qualifying

period for review of a teacher for promotion provided they possess a Ph.D

degree. Again it must be pointed that the said six years of service as a Reader in the University by itself is not sufficient for promotion to the post of Professor and it only qualifies such Reader for review of the performance of the Reader in individual cases. For the reasons stated above, we also reject the contention of the Learned Counsel for the Petitioners that the norms prescribed under the Career Development Scheme for promotion are contrary to the norms prescribed by the University Grants Commission. Therefore, we have no hesitation in coming to the conclusion on Point Number 2 that the eligibility conditions prescribed under the Career Development Scheme for promotion to the post of Professor from the post of Reader do not in any way run counter to Statute 6(i) to Chapter IX of the Laws of University or the norms prescribed by the University Grants Commission. Point Number 2 is answered accordingly.

9. Point No. 3: On 27.11.1992 the Syndicate of the Respondent - University passed a resolution as follows:

Resolved further that a Committee with the Vice Chancellor as Chairman and two other Members may, in the meanwhile process the bio-data.

Professor G. Balasubramanian, be one Member and the Vice-Chancellor will choose another member from outside the University to represent Sciences and Applied Sciences discipline.

The Learned Counsel for the Petitioner, challenged the validity of the said Resolution contending that the impugned Resolution is violative of Statute

7 Chapter IX of the Laws of University. According to Statute 7, full time teachers of the University shall be selected by a Committee consisting of

the Vice-Chancellor, the Chairman of the Board of Studies concerned and four persons, who are experts in the subjects in which the appointment

is to be made, that the Resolution dated 27.11.1992 on the other hand stipulates only one Committee consisting of 3 members to review the

research and academic performance of all teachers and the quality of their publications irrespective of the fact as to which faculty they belong or

which subjects they specialised and therefore, the constitution of the Committee is illegal as it is violative of statute No. 7 and hence void. The

Learned Counsel for the Petitioner further contended that the constitution of a single Expert Committee to review the academic and research

standing of the teachers and also to adjudge the quality of the publications of the teachers belonging to various faculties like law, economics, nuclear physics, bio-chemistry, Indian Music, etc., is unreasonable and arbitrary and therefore, the Resolution dt. 27.11.1992 is illegal and liable to be quashed. In support of this contention, the Learned Counsel relied on the decision in Dr. Triloki Nath Singh Vs. Dr. Bhagwan Din Misra and others, . However, we are unable to accept the above contentions of the Learned Counsel for the Petitioner. The Career Development Scheme was passed by the Syndicate of the University on 22.9.1992. On 25.9.1992, the Senate approved the said Scheme. It is seen from the additional counter affidavit filed in W.P. 2356/93 that as per the Syndicate Resolution dated 27.11.92, a Committee with the Vice-Chancellor as Chairman and two other Members was constituted to process the bio-data of the teachers, Prof. C. Balasubramanian was nominated by the Syndicate as one Member and authorised the Vice-Chancellor to choose another member from outside University to represent Sciences and Applied Sciences disciplines. Accordingly, the Vice-Chancellor nominated Dr. Rengasamy as the third Member of the Committee on 21.12.1992. The said Committee consisting of the Vice Chancellor, Prof. C. Balasubramanian and Dr. Rengasamy was the Apex Committee to finally recommend the conferring of benefits to the teachers under Career Development Scheme to the Teachers and research committee of the Syndicate and after its approval the same was endorsed by the Syndicate at its meeting held on 21.1.1993. The procedure followed by the University and the apex Committee appointed by the Resolution dated 27.11.1992 for the purpose of selecting the teachers for conferring the benefits under the Career Development Scheme is clearly explained in paragraphs 4 to 8 of the additional counter affidavit filed by the Respondent in W.P. 2356 of 1993. Paragraphs 4 to 8 of the additional counter affidavit in W.P. 2356/93 read thus:

4. I respectfully submit that before the final recommendations were made by the said Apex Committee the following procedure was followed. The University has called all the Heads of Departments to obtain bio-data from the eligible teachers with all particulars and forward the same to the University for consideration under the Career Development Scheme. Therefore, it cannot be said that any Head of the Department was not aware

of the names and details of persons forwarded as stated above.

5. The Vice-Chancellor being the Chairperson of the Apex Committee has constituted for different committee consisting of subject experts

representing various faculties of University broadly on the basis of various schools viz.

1. School of Languages
2. School of Medical Sciences
3. School of Sciences
4. School of Humanities and Social Sciences

All the said Schools collectively represented all the departments.

6. The experts in the School of Languages consisted of:

1. Dr. K.P. Variar (Professor and Head of the Department of Malayalam)
2. Dr. N. Veezhinathan (Professor and Head, Department of Sanskrit)
3. Dr. M.S. Nagarajan (Professor and Head, Department of English) and
4. Dr. V.V. Ramachandran (Professor and Head, Department of Telugu).

The next committee of school of Medical Sciences consisted of the following experts viz.,

1. Dr. S.P. Theagarajan (Professor and Head, Department of Microbiology)
2. Dr. P.M. Gopinath (Professor and Head, Department of Genetics)
3. Dr. A. Namasivayam (Professor and Head, Department of Physiology)

The next Committee of School of Sciences consisted of the following experts, viz.,

1. Dr. K.C. Rajasekaran (Prof. and Head, Department of Geology)
2. Dr. G. Durairaj (Prof. and Head, Department of Zoology)
3. Dr. T. Balakrishnan (Prof. and Head, Department of Physical Chemistry)
4. Dr. D. Lalithakumari (Prof. Centre of Advanced Studies in Botany)
5. Dr. T. Nagarajan (Professor and Head, Department of Nuclear Physics)

The Fourth Committee of the School of Humanities and social Sciences consisted of the following experts namely:

1. Dr. P.S. Balasubramanian (Prof. and Head, Department of Education)
2. Dr. R. Thandavan (Prof. and Head, Department of Anna Centre for Public Affairs)

3. Dr. D. Palani (Prof. and Head Department of Sociology)

4. Dr. R.N. Swarup (Prof. and Head, Department of Defence Studies)

All the abovesaid experts except two namely Dr. Lalithakumari of Botany and Dr. Thandavan of Anna Centre for Public Affairs are the Chairmen

of their respective Boards of Studies who are the ex-officio members of the Selection Committee constituted by the Statute under Chapter IX

Statute (7) of the Laws of University even for regular appointments, apart from the fact that they are eminent persons in their respective schools.

7. Some of the Heads of Department are not included in the Committee either because they were Readers and/or candidates themselves under the

scheme. Moreover, the Committees were constituted broadly on the basis of Schools which are comprehensive enough to deal with the Teachers

their standing belonging to various departments under the schools. This is apart from the fact that it was each one of the Heads of Departments

who were actually forwarding the particulars about the teachers to the University with their endorsement.

8. The said Expert Committees have individually evaluated the particulars of every one of the teachers numbering 134 as forwarded by the Heads

of Departments to the Registrar and evaluated by awarding points as per the guidelines given in the annexure to scheme. The marks were awarded

by the experts strictly based on the guidelines given under the scheme which are objective in nature and therefore there was absolutely no room for

giving any preferential treatment to any teachers at their discretion.

The evaluation reports signed by the said experts were forwarded to the Apex Committee stated above for further scrutiny. The Apex Committee

after scrutinising the experts report has recommended eligible candidates based on the credit points as stated in the Annexure to the scheme.

Therefore, I respectfully submit that at every point the guidelines enunciated under the Scheme were scrupulously followed and it can never be said

that either the Experts Committee is incompetent or the Apex Committee can decide anything at their whims and fancies.

10. Thus, it is clear from the additional counter affidavit filed by the Respondent, in W.P. 2356 of 1993 that the Vice-Chancellor, as Chairman of

the Apex Committee has constituted four different committees consisting of experts in different subjects representing various faculties of the

University. It is also seen from the additional counter affidavit that all the subjects experts in the four different Committees except the two are the

Chairmen of their respective Boards of Studies who are the ex-officio Members of the Selection Committee constituted under Chapter IX, Statute

7 of the Laws of University even for regular appointments. In paragraph 7 of the additional counter affidavit, the Respondent, also explains why

some of the Heads of Departments were not included in the Expert Committees. It must also be pointed out that it was only the Heads of

Departments of various disciplines who were actually forwarding the particulars, regarding the achievements of the teachers to the University with

their endorsement. It is also clear from the additional counter affidavit that the four Expert Committees individually evaluated the particulars of

every one of the teachers numbering 134, as forwarded by the Heads of the Department to the Registrar by awarding points as per the guidelines

given in the annexure to the Career Development Scheme. The points were awarded by experts strictly based on the guidelines given under the

scheme which are objective in nature. With regard to the 4 expert Committees constituted by the Vice-Chancellor, as seen from the reply affidavit

by the Petitioner, his main objection is only with regard to the 4th Committee of School of Humanities. The Petitioner has no serious objection with

regard to the constitution of the other three Expert Committees Viz., (a) School of languages, (b) School of Medical Sciences and (c) School of

Sciences. With regard to the 4th Committee of Experts viz. School of Humanities, the Learned Counsel for the Petitioner submitted as follows: In

any event, the fourth Committee of the School of Humanities and Social Sciences, consisting of the following experts:

1. Dr. P.S. Balasubramanian (Prof. and Head Department of Education)
2. Dr. P. Thandavan, (Prof. and Head, Department of Anna Centre for Public Affairs)
3. Dr. D. Palani (Professor and Head, Dept. of Sociology) and
4. Dr. P.P. Swarup (Prof. and Head, Dept of Defence Studies)

They may be Experts in their respective subjects. But the School of Humanities and Social Sciences consists of not less than 21 Departments. The

above-mentioned Committee of four members, and who are said to represent the School of Humanities and Social Sciences, are not experts in all

the other subjects included under the above School. Even assuming that the said Expert Committee evaluated the work of the candidates belonging to disciplines included under the said School, they are incompetent to evaluate the works of candidates, excepting those candidates who belong to Departments of which the four members of the Committee are the Heads. The Learned Counsel for the Petitioner further contended that there were three candidates belonging to Departments of Economics, Statistics and Legal Studies, who were interviewed by the Apex Committee consisting of the Vice-Chancellor, Professor of Tamil and Agricultural Scientist, that the Committee of the School of Humanities consisting of four members evaluated their works, that none of these four members is an Expert in any of the three subjects, namely Economics Statistics and Law, and that the said Committee was incompetent to assess or evaluates the works of other candidates belonging to disciplines other than the disciplines to which the members of the Committee belonged. There is no substance in the above contention of the Learned Counsel for the Petitioner. It must be remembered that the detailed guidelines and indicators to assess the merit of Teachers are given in the annexure to the Career Development Scheme. Annexure I to the Career Development Scheme containing the guidelines and indicators reads thus:

ANNEXURE I

UNIVERSITY OF MADRAS

INDICATORS TO ASSESS MERIT FOR PROMOTION UNDER

CAREER DEVELOPMENT SCHEME FOR UNIVERSITY TEACHERS

NAME & DESIGNATION

DEPARTMENT

1. RESEARCH SUPERVISION

A. For each Ph.D. Degree5 points
completed

B. For each M.Phil. 2 points
Degree completed

C. For each Ph.D. Degree3 points
being guided

D. For each M.Phil. 1 point

Degree being guided

(For teachers of MCA and MBA project works are taken as equivalent to M. Phil desolation).

2. RESEARCH PROJECTS COMPLETED

A. For each research project completed/acquired 3 points.

(Sponsored or funded by International agencies recognised national agencies like UGC, ICSSR, CSIR, ICMR or other Central or State agencies

and Universities or other agencies which transmit funds through the University).

B. For other research projects completed/acquired (Maximum or research projects: 10 points). (Maximum for research projects: 10 points)

3. PUBLICATIONS/BOOKS

(a) Books (Research) 8

Points

(b) P.G. level text 5

books/published by nationalPoints

level publisher

(c) Degree level text 3

books/other books Points

(d) Editing (a) and (b) of the3

above Points

(e) Editing degree level text 2

books/other books Points

(0 Editing 5

Seminar/Conference Points

proceedings

(Maximum for publication/books 20 points).

(For teachers of correspondence course writing/editing lessons are taken as books).

4. RESEARCH PAPERS:

(a) International Journals 6

Points

(b) National level Professional 4

Journals/Periodicals or papers Points

in edited volumes/books

(c) For papers published in 2

other periodicals Points

(d) For 1 Point

newspaper/magazine/souvenir

articles.

(e) Maximum for papers 20

Points

5. CONFERENCE/SEMINAR/WORKSHOP PAPERS/CONDUCTED

(a) International 5

Seminar/Conference Points

Workshop paper/conducted

(b) National 3

Conference/workshop/seminar Points

paper conducted

(Maximum for conference/workshop/seminar papers 15 points)

N.B.: Credit need not be given for publications research project and conference/seminar workshop papers if they do not relate to the functional

relevance of the post Total points (1 to 5) 90 Points

MINIMUM CREDIT POINTS REQUIRED

POST ARTS/SCIENCES

Lecturer to 50%/45 Points

Reader

Reader to 60%/54 Points

Professor

The members of Expert Committee have to award the points as per the guidelines and indicators found in Annexure-I. The guidelines and

indicators found in Annexure-I to the Career Development Scheme are prescribed to ensure uniformity and objectivity and to avoid arbitrariness in the selection of teachers for conferring the benefits under the Career Development Scheme. It cannot be said that the experts in the four Expert Committees are not capable of awarding points as per the indicators mentioned in Annexure-I to the Career Development Scheme, to assess the merit of the teachers for conferring the benefits under the Career Development Scheme. Further, it must be remembered that if any teacher is having any grievance that the guidelines and indicators found in Annexure to the Career Development Scheme are not followed in his case, and that he has not awarded the points as per the indicators mentioned in the annexure, it is always open to such teacher to approach this Court under Article 226 of the Constitution, for the redressal of his grievance and that the ultimate decision of the Apex Committee and the University in this regard is subject to judicial review. In these circumstances, we see no infirmity in the resolution of the Syndicate dated 29.11.1992 constituting the Committee to process the bio-data of the teachers for making promotion under the Career Development Scheme.

11. The decision in Dr. Triloki Nath Singh Vs. Dr. Bhagwan Din Misra and others, relied on by the Learned Counsel for the Petitioner is clearly distinguishable on facts. In the present case, the Experts in the four expert Committees have to assess the merit of each teacher for conferring benefits under the Career Development Scheme by awarding points mentioned in annexure I, which is not position in the case dealt with by the Apex court in Dr. Triloki Nath Singh Vs. Dr. Bhagwan Din Misra and others, . In view of the above factual position, we have no hesitation in holding that the Resolution of the Syndicate dated 27.11.1992 constituting the Committees to process the bio-data of teachers for the purpose of conferring the benefits and making promotions under the Career Development Scheme is perfectly valid. Point Number 3 is answered accordingly.

12. For all the reasons stated above, we see no merit either Writ Petition 2356/93 or in W.A. No. 1098/93 and therefore, they are liable to be dismissed. Accordingly, both the writ petitions and the writ appeal are dismissed. However, there will be no order as to costs.