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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI,
ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

Review Application (Writ) No.106 of 2015

R.Selvam

.. Petitioner

Vs.

1. The Registrar General
High Court, Madras
Chennai - 600 104.
2. The Chief Judicial Magistrate Court
Vellore.
3. The Principal District Judge
Vellore, Vellore - 6.
4. The Judicial Magistrate
Gudiyatham.

.. Respondents

Prayer: Petitioner under Order 47 Rule 1 read with Section 114 of the Code of Civil Procedure to review the order dated 10.4.2015 passed in W.P.No.8625 of 2015.

Prayer in W.P.No.8625 of 2015 : Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus Calling for the records relating to the impugned proceedings of the Learned Chief Judicial Magistrate Vellore bearing Dis.No.1243/04.03.2014/2014/A dated 26.2.2014, the second respondent herein and quash the same as non-est in the eye of law and consequently direct the respondents herein to re-appoint the petitioner to the Post of Night Watchman in the Learned Judicial Magistrate Court, Gudiyatham, from 02.07.2012 with all consequential attendant, service and monetary benefits, including Seniority in the above said post from the above said date, and to pay the arrears of salary from the above said date, namely 02.07.2012, till the date of re-appointment within a short date.



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For the Petitioner : Mr.K.S.Govinda Prasad

For the Respondents : Mr.P.K.Rajagopal

ORDER

(Order of the Court was made by
the Hon'ble Acting Chief Justice)

This application has been filed against the judgment dated 10.4.2015 passed in W.P.No.8625 of 2015.

2. The petitioner filed a writ petition challenging the order dated 26.2.2014, with a direction to reappoint him to the post of Night Watchman in the court of Judicial Magistrate, Gudiyatham, from 2.7.2012.

3. The facts taken note by the Division Bench while dismissing the writ petition show that, by proceedings dated 15.12.2011 of the second respondent, the petitioner was temporarily selected for the post of Night Watchman and posted at the court of Judicial Magistrate, Gudiyatham. The petitioner later on tendered resignation on 6.7.2012, but the resignation was withdrawn by the petitioner vide letter dated 2.8.2012. By proceedings dated 24.8.2012, the withdrawal of the resignation was permitted with a direction to the petitioner to join the post. However, the petitioner did not join the post, rather submitted a letter dated 17.12.2012 expressing his unwillingness to join the post. Therefore, vide proceedings dated 9.1.2013, the services of the petitioner were terminated with effect from 1.7.2012. Pursuant to the same, the petitioner submitted an application on 7.1.2014 to reappoint him in service. The prayer aforesaid was rejected by the respondents vide order dated 26.2.2014, which was upheld by the Division Bench by the judgment dated 10.4.2015.

4. The only ground taken to seek review is the illness of the petitioner's father, but the averments therein are not supported by any document. Further, when the petitioner expressed his unwillingness to join the duty consequent to the withdrawal of the resignation tendered by him, he cannot claim reappointment as a right, that too, after expiry of a period of two years. After considering the entire factual matrix, the Division Bench dismissed the writ petition.

5. We do not find any error apparent on the face of the record so as to allow the review. The jurisdiction of the court in review petition is quite limited. Review may be permitted on three specified grounds, namely (i) discovery of new and



important matter or evidence, which after the exercise of due diligence, was not within the applicant's knowledge or could not be produced by him at the time when the decree was passed or order was made; (ii) mistake or error apparent on the face of the record, or (iii) for any other sufficient reason. In the case on hand, none of the aforesaid grounds attract.

6. In view of the above the review application is dismissed. There will be no order as to costs.

Sd/-
Assistant Registrar(CS-VI)

//True copy//

Sub Assistant Registrar

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To:

1. The Registrar General
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Chennai - 600 104.
2. The Chief Judicial Magistrate Court
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3. The Principal District Judge
Vellore, Vellore - 6.
4. The Judicial Magistrate
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SMI (CO)
GMY (24/01/2022)