

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.12.2015

CORAM:

THE HONOURABLE **MR.JUSTICE SATISH K.AGNIHOTRI**
and
THE HONOURABLE **MR.JUSTICE K.K.SASIDHARAN**

Review Application No.292 of 2015 in
W.A.No.1413 of 2014

T.S.Tulasi Raman

... Applicant

Vs.

1.The District Elementary Educational Officer,
Vellore District, Vellore -4.

2.The Additional Assistant Elementary
Educational Officer, Arakkonam.

3.The Secretary,
Jothi Vallalar Aided Middle School,
Vallalar Nagar,
Arakkonam Panchayat Union,
Vellore District.

... Respondents

Review Application filed under Order XLVJ Rule-1 of C.P.C., to review the order passed by this Hon'ble Court in W.A.No.1413 of 2014 dated 03.11.2014.

For Applicant : Mr.G.Sankaran

ORDER

(delivered by **K.K. SASIDHARAN,J.**)

This is an application to review the judgment dated 03.11.2014 in W.A.No.1413 of 2014, whereby and where under, this Court dismissed the intra court appeal.

2. Heard the learned counsel for the applicant.

3. The proposal submitted by the Management of Jothi Vallalar Aided Middle School, Vellore for approval of appointment of the applicant as Secondary Grade Teacher was rejected by the Education Department on the ground that, he failed to pass the mandatory Teachers Eligibility Test.

4. The writ petition filed by the applicant challenging the said order was dismissed by the Writ Court. The intra court appeal against the order passed by the Writ Court was dismissed by judgment dated 03.11.2014.

5. It is the contention of the applicant that the orders passed by the Writ Court subsequently were not placed before the Division Bench, and as such, the judgment is liable to be reviewed. The applicant has taken up a further contention that he was appointed as Secondary Grade Teacher on 12.01.2012 on the strength of the permission granted by the District Elementary Officer, dated 28.12.2011 and that, there was no condition prescribed by the Education Department that he should undergo Teachers Eligibility Test within a prescribed period.

6. It is not in dispute that after the introduction of Tamil Nadu Right to Free and Compulsory Education Act, 2011, for appointment to the post of

Teacher, Teachers Eligibility Test is a mandatory requirement. The Government have issued an order in G.O.Ms.No.181 dated 15.11.2011 prescribing Teachers Eligibility Test as a mandatory requirement. Such being the position, the applicant cannot be heard to say that his appointment should be approved, notwithstanding the fact that he has not undergone Teachers Eligibility Test. The issue raised by the applicant has already been considered by this Court earlier. The present attempt is to re-hear the very appeal on merits. We do not find any error warranting interference by exercising the review jurisdiction.

In the upshot, we dismiss the review application. No costs.

[S.K.A.,J.] [K.K.S.,J.]
17.12.2015

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To

- 1.The District Elementary Educational Officer,
Vellore District, Vellore -4.
- 2.The Additional Assistant Elementary
Educational Officer, Arakkonam.
- 3.The Secretary,
Jothi Vallalar Aided Middle School,
Vallalar Nagar,
Arakkonam Panchayat Union,
Vellore District.

SATISH K.AGNIHOTRI,J.

and

K.K.SASIDHARAN,J.

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