

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.03.2016

CORAM:

THE HONOURABLE **MR.JUSTICE K.K.SASIDHARAN**

Review Application No.47 of 2015 and
M.P.No.1 of 2015 in
W.P.No.29735 of 2014

The Correspondent
St.Xaviers Primary School
Pucklipalayam, Mangalam Post
Tiruppur District.

... Applicant

Vs.

1.Sr.Arockia Selvi

2.State of Tamil Nadu
Rep. by its Secretary,
School Education Department,
Fort St.George, Chennai - 600 009.

3.The District Elementary Educational Officer,
District Elementary Educational Office,
Tiruppur.

... Respondents

Review Application filed under Order 47 Rule-1 read with Section 14 of C.P.C., to review the order dated 25.02.2015 passed by this Hon'ble Court in W.P.No.29735 of 2014.

For Applicant : Mr.P.Godson Swaminath

For R1 : Mr.J.Antony Jesu

ORDER

The third respondent in W.P.No.29735 of 2014 has come up with this review application to review the order dated 25.02.2015 and set aside the order directing reinstatement of the first respondent into service.

2. Heard learned counsel for the applicant and the learned counsel for the first respondent.

3. The review application is filed primarily on the ground that there is no need to seek prior approval of the competent authority for dismissal, in case, the institution is a minority educational institution. No other ground is raised in the review application.

4. The writ petition filed by the first respondent was allowed by this Court on the ground that prior approval was not taken before dismissing her from service. It was found that only after dismissing the first respondent from service, application for approval was given to the District Elementary Educational Officer. The applicant has now come up with a contention that there is no such requirement for approval. The said contention goes against the course adopted by the applicant. The

applicant in the application dated 03.11.2014 sought approval for dismissing the first respondent from service. Such being the factual position, the applicant is not correct in contending that the writ petition was allowed without considering the fact that the minority institutions are exempted from the purview of Section 22(1) of Tamil Nadu Recognised Private Schools (Regulation) Act, 1973. In fact, the applicant has not filed any counter affidavit in the writ petition to explain the factual position. The District Elementary Educational Officer made it clear in his counter affidavit that prior permission is a mandatory requirement and as it was not taken, the dismissal order has no legal sanctity. Such being the factual position, the applicant cannot be heard to say at this point of time that this Court allowed the writ petition without any basis.

5. The applicant now seeks a re-hearing of the writ petition, which is not permissible while exercising review jurisdiction. In any case, I do not find any merit in the review application.

In the upshot, I dismiss the review application. No costs. Consequently, connected miscellaneous petition is closed.

23.03.2016

svki

K.K.SASIDHARAN,J.

svki

To

- 1.The Secretary,
State of Tamil Nadu
School Education Department,
Fort St.George, Chennai - 600 009.
- 2.The District Elementary Educational Officer,
District Elementary Educational Office,
Tiruppur.

Review Application No.47 of 2015

23.03.2016