



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.08.2016

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE NOOTY.RAMAMOHANA RAO

and

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

Rev.Applc.(MD)No.77 of 2016

in C.M.P.(MD)No.6171 of 2016 & C.M.P(MD)No.7774 of 2016

A.P.Sivakumar

... Review Petitioner/Appellant

Vs.

1.The Government of Tamil Nadu,
Rep.by the Secretary,
Department of School Education,
St.George Fort,
Chennai.

2.The Director of Public Library,
Directorate of Public Library,
No.737/1, Anna Salai,
Chennai-2.

...Respondents/Respondents

Review Application filed under Section 114 of C.P.C r/w 47 Rule 1 & 2 of CPC, to review the order made in C.M.P (MD)No.6171 of 2016 in W.A(MD)No.SR.20443 of 2016 dated 01.07.2016.

Prayer in CMP(MD). 6171/ 2016 :

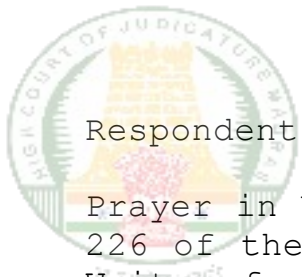
Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to condone the delay of 411 days the Writ Appeal in W.A (SR).No. 20443 of 2016.

Prayer in WA(MD)No.20443 of 2016 :

To prefers this Memorandum of grounds of Writ appeal against the Interim order made in MP(MD)No.2 of 2015 in WP(MD)No.735 of 2015 dated 13.12.2015.

Prayer in MP(MD). 2/ 2015 in WP(MD).735/2015 :

To pass an order of Interim Stay of the operation of the Impugned Order of Reversion in G.O. Ms. No.9, School Education (PO. Noo.1) Department dated 12.01.2015 on the file of the Respondent No.1 and the Consequential Order in Na.Ka. No. 14283/A1/2010/A1/2010-2 dated 13.01.2015 on the file of the



Respondent No.2.

Prayer in WP(MD). 735/ 2015 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for teh records pertaining to the Impugned Order of Reversion in G.O. Ms. No.9, School Education (PO. Noo.1) Department dated 12.01.2015 on the file of the Respondent No.1 and the Consequential Order in Na.Ka. No. 14283/A1/2010/A1/2010-2 dated 13.01.2015 on the file of the Respondent No.2 and quash the same as illegal and consequently direct the Respondent to retain the Petitioner in the post of District Library Officer.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.VR.Shanmuganathan,
Special Government Pleader.

ORDER

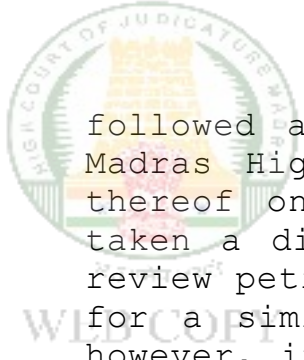
(Order of the Court was made by NOOTY.RAMAMOHANA RAO,J.)

Interlocutory application No.6171 of 2016 was dismissed by us on 01.07.2016. The said I.A has been moved seeking condonation delay of 411 days in filing the writ appeal in W.A(SR)No.20443 of 2016. We have gone through the entire paper books filed in support of the above Civil Miscellaneous Petition and passed an order on 01.07.2016, as none appeared for the petitioner. We have gone through the merits of the matter and found that the condonation of huge delay of 411 days is not warranted.

2. Taking advantage of the fact that we have gone through the merits of the matter, the present review application has been moved seeking to make out a fresh case, than what has been really made out at the Writ Appeal stage! The learned Counsel for the review petitioner now seeks to rely upon the order passed by another Division Bench on 04.04.2016 in W.A(MD)No.1755 of 2015 in support of his plea that the original order passed by the learned Single Judge on 13.02.2015, cannot be sustained.

3. We are not appreciating the practice of lawyers staying away from the Court work on one pretext or the other and then when the Court proceeds with the judicial works by perusing the papers available and pass an order, then move an application for review of such order. If the Court was denied the assistance of professionals at the first instance of hearing, the fault is not that of the Court. Hence, whatever material that is available on record has been perused and orders are passed.

<https://hcservices.courts.gov.in/hcservices/>
4. In the instant case on 13.02.2015, the learned Single Judge whose order is sought to be challenged in the Writ Appeal, has



followed an earlier order passed by the Principal Bench of the Madras High Court in yet another case. It is long subsequent thereof on 04.04.2016, that the Division Bench appears to have taken a different view in the connected case and therefore, the review petitioner, who is the appellant in the writ appeal, sought for a similar view to be taken by this Division Bench. But, however, in the instant case the writ appeal itself is filed with a huge delay of 411 days. Condonation of delay of such nature is essentially a discretion left to the Court. Therefore, we see no error in the exercise carried out by us on 01.06.2016 and hence, we dismiss the review application. Accordingly, the review application is dismissed. No costs. Consequently, the connected Miscellaneous petition is dismissed.

Sd/-

Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar

gsr

To

1.The Secretary,
Rep.by Government of Tamil Nadu,
Department of School Education,
St.George Fort,
Chennai.

2.The Director of Public Library,
Directorate of Public Library,
No.737/1, Anna Salai,
Chennai-2.

+1CC to Mr.T.Lajapathi Roy, Advocate Sr.No.45287

+1CC to Spl.Government Pleader Sr.No.45362

CSL/CK/06.09.2016: 3P/5C

Rev.Aplc.(MD)No.77 of 2016
17.08.2016