

In the High Court of Judicature at Madras

Reserved on	18.09.2017
Order Pronounced on	06.10.2017

Coram:

The Hon'ble Mr.Justice **M.VENUGOPAL**
and
The Hon'ble Mr.Justice **P.D.AUDIKESAVALU**

C.M.P.No.11887 of 2017 in
Review Application Sr.No.44072 of 2017 in
W.A.No.255 of 2017

K.Govindaraj

..Petitioner

Vs.

1. State of Tamilnadu
represented by its Secretary,
School Education Department,
Fort St. George,
Chennai – 600 009

2. The Secretary,
Teachers Recruitment Board,
EVK Sampath Maligai,
DPI Compound, College Road,
Chennai

..Respondents

Prayer: Civil Miscellaneous Petition filed under Section 5 of Limitation Act to condone the delay of 844 days in filing the Review Application to review the Judgment of this Court in W.A.No.53 of 2015 dated 23.01.2015.

For Petitioner : Ms.Dakshayani Reddy

For Respondents : Mr.T.N.Rajagopal
Special Government Pleader (Education)

ORDER

[Order of the Court was made by M.VENUGOPAL, J.]

The Petitioner, has filed the instant Civil Miscellaneous Petition praying for passing of an Order by this Court to condone the delay of 844 days in filing the Review Application, to Review the Judgment of this Court dated 23.01.2015 in W.A.No.53 of 2015.

2. According to the Learned Counsel for the Petitioner, the 2nd Respondent / the Secretary, Teachers Recruitment Board, Chennai – 6 issued a notification calling for the applications in respect of direct recruitment for appointment to the post of Postgraduate Assistants / Physical Education Director Grade-I. In this connection, it is represented on behalf of the Petitioner that the Petitioner applied for appointment to the post of PG-Assistant in Tamilnadu under the aforestated notification. Further, the examination was conducted by the 2nd Respondent on 21.07.2013, in which the Petitioner secured 103

marks out of 150 marks and stood first in Scheduled Tribe (Arunthathiyar) Category.

3. The Learned Counsel for the Petitioner submits that when the result was published, the Petitioner's eligibility was shown as ineligible on the ground that the Petitioner had undertaken M.A., B.Ed., courses simultaneously. Advancing her arguments, the Learned Counsel for the Petitioner brings it to the notice of this Court that the Petitioner filed W.P.No.26275 of 2014 before this Court by taking a clear cut stand that the Petitioner has qualified 10th Standard and 12th Standard and B.Litt.in Tamil, which he had completed in the year 2006. Further, it is represented on behalf of the Petitioner that the Petitioner later joined M.A., in Distance Education of Annamalai University in the Academic Year 2007-2008 and not completed his first year M.A.,

4. Moreover, the Learned Counsel for the Petitioner points out that the Petitioner was continuing M.A.Programme got admitted into B.Ed.Course in the Tamilnadu Education University and underwent B.Ed., Degree course for the Academic Year 2008-2009 and secured First Class with Distinction. That apart, the Petitioner after completing

B.Ed., Course in June 2009, once again, joined second year M.A., by restarting in the Academic Year 2009-2010 and completed M.A. in the year 2010 and also completed B.Ed., Course during the academic year 2011-2012.

5. The prime contention advanced on behalf of the Petitioner is that the Petitioner never underwent M.A.Course during the Academic Year 2008-2009 and therefore, could not be said to have underwent M.A. and B.Ed., course simultaneously.

6. At this stage, the Learned Counsel for the Petitioner submits that in regard to the recruitment process in the year 2014, the Government took a policy decision to the effect that those who underwent M.A.First Year and then completed B.Ed., and then rejoined M.A., after completion of B.Ed., are eligible for appointment to the post of PG Assistant. Indeed, based upon the same, for the next recruitment process many persons, who were not appointed were granted appointments subsequently.

7. The Learned Counsel for the Petitioner vehemently contends that the Petitioner is identically placed like others, but, unfortunately, the Learned Single Judge was pleased to dismiss the W.P.No.26275 of 2014 (filed by the Petitioner) on the ground that the Petitioner underwent M.A., B.Ed., Course simultaneously. Even the Writ Appeal No.53 of 2014 filed by the Petitioner was also dismissed by the Hon'ble Division Bench of this Court on 23.01.2015.

8. The consistent plea taken on behalf of the Petitioner before this Court is that in so far as the other persons, who underwent examination along with the Petitioner were concerned, viz., Prakash, G.Veeramuthu and K.Paruvatham, they underwent the course identically like that of the Petitioner and their Writ Petitions in W.P.No.3916 of 2014, W.P.No.27600 of 2014 and W.P.No.41078 of 2014 were all allowed and they were all provided with an employment.

9. At this juncture, the Learned Counsel for the Petitioner draws the attention of this Court to the fact that the Hon'ble Division Bench of this Court in W.A.No.866 of 2015 (filed by the Director of School Education, Chennai and another) on 27.01.2017 had directed the

Secretary, Teachers Recruitment Board, Chennai – 6 to comply with the Judgment passed therein to all the similarly placed individuals even though they have not approached this Court.

10. The Learned Counsel for the Petitioner submits that persons, who are identically placed like the Petitioner were provided with an appointment and the details are as under:

- (i) W.P.No.6701 of 2013 - C.Prabhu
- (ii) W.P.No.35179 of 2012 - D.Sivaranjani
- (iii) W.P.No.18951 of 2015 - M.Sridevi
- (iv) W.P.No.1092 of 2017 - D.Vasantham
- (v) W.P.No.3916 of 2014 - V.Prakash
- (vi) W.P.No.41078 of 2015 - K.Paruvatham

Moreover, it is pointed out before this Court on behalf of the Petitioner that M.Sridevi, Petitioner in W.P.No.18951 of 2015 and one D.Vasantham Petitioner in W.P.No.1092 of 2017, who filed Writ Petitions in the year 2015 and 2017 in regard to the appointment for the year 2012 and as such, the plea of laches cannot be put against the Petitioner.

11. The Learned Counsel for the Petitioner submits that the Judgment in W.A.No.53 of 2015 was passed by this Court on

23.01.2015, but, the Petitioner could not file the Review Application immediately because of the reason that his mother was affected by paralysis and in reality, he was alone taking care of his mother, who later died on 02.10.2016. Thereafter only the Petitioner had approached this Court by filing the present C.M.P.No.11887 of 2017 in Rev.Appln.Sr.No.44072 of 2017, as such, the delay is neither willful nor wanton, but, due to the aforesaid bonafide reason. Furthermore, if the delay of 844 days in preferring the present Petition is not condoned, then, the Petitioner would be put to irreparable loss and untold hardship.

12. In response, the Learned Special Government Pleader (Education) for the Respondents submits that the Petitioner applied for the post of Post Graduate Assistant (Tamil) pursuant to the Advertisement dated 09.05.2013 and further that he appeared in the Written Examination and secured 103 marks.

13. The Learned Special Government Pleader (Education) for the Respondents brings it to the notice of this Court that since the Petitioner secured the eligible cut off marks he was called for certificate verification on 30.12.2013 and on scrutiny of all the records / certificates

of the Petitioner, it came to light that the Petitioner had acquired both the Degrees, i.e., M.A. (Tamil) and B.Ed Degree simultaneously during the same period.

14. The Learned Special Government Pleader (Education) for the Respondents proceeds to point out that the Government of Tamilnadu had prescribed the qualification for the PG Assistant in Higher Secondary Service Rules (As per G.O.Ms.No.720, Higher Secondary Department dated 28.04.1981 and as amended in G.O.No.361, School Education Department dated 31.12.1999). In fact, the 2nd Respondent / Recruitment Board has been instructed to adopt the qualification incorporated in the aforesaid Government Orders while making recruitments. Indeed, the qualification prescribed in the notification are described as under:

“Candidates should possess M.A / M.Sc / M.Com in the relevant subject with B.Ed., The candidates should have studied the same subject in Bachelors Degree and Masters Degree, both for academic subjects and languages. All degree should be from UGC / NCTE recognized universities only”

15. The Learned Special Government Pleader (Education) for the Respondents draws the attention of this Court to a fact that in addition to the above qualification, those who underwent the Courses of Study under the Pattern of study as per G.O.Ms.No.107/School Education Department dated 18.08.2009 and as per G.O.Ms.No.242 / Higher Education Department dated 18.12.2012 are eligible to be appointed as Teacher. In short, the pattern of study to be treated as eligible in terms of the aforesaid Government Orders are:

“10+2+3+1+2, 10+2+3+2+1, 10+3+3+1+2, 10+3+3+2+1, 11+1+3+1+2 and 11+1+3+2+1”

16. The Learned Special Government Pleader (Education) for the Respondents emphatically submits that the Registrar, University of Madras in his letter vide no.ERC/Evaluation - Dual Degrees / 2011-051/ dated 12.01.2011 addressed to the Chairman of the Teachers Recruitment Board had stated that under graduate degree and B.Ed obtained in the same academic year by undergoing the course through open university and regular course from different Universities were not recognised so far. That apart, he had informed that the Undergraduate Degree and B.Ed., could not be obtained by the candidate in the same academic year.

17. The prime contention advanced on behalf of the Respondents is that the Petitioner had done M.A. (Distance Education) and B.Ed., (in the regular courses on discontinuation in the midway of two years M.A.Degree Course) during the same period and as such, he could not be considered for final selection.

18. The Learned Special Government Pleader (Education) for the Respondents submits that the Petitioner had studied M.A.Degree Course for Three Years in Distance Education and he did his B.Ed Degree Course during the duration period of M.A., Degree course. Besides these, the course completion for B.Ed., Degree falls on June 2009 and at the same time, the month and year of Second Year of M.A.Degree after discontinuation also commences from the year June 2009. Therefore, it is represented on behalf of the Respondents that the course period for dual degrees, both B.Ed., and M.A. for the year, June 2009 clearly indicates that the Petitioner had studied the two degrees simultaneously in the same year.

19. The Learned Special Government Pleader (Education) for the Respondents contends that in the regular stream of M.A.,Degree, the

duration of course is two years and after completing the first year, if any candidate discontinues the study in the midway of two years course will be treated as a dropped candidate. Furthermore, after discontinuation for the period of one year, they would not be allowed to continue in the second year degree course and they would not be permitted to write the final exam and they would be treated only as a fresh candidate or as a new entry for first year degree course. In this connection, the Learned Special Government Pleader (Education) for the Respondents comes out with a plea that in the selection process, a candidate studied in 'Regular Stream' and in 'Distance mode' have to be placed on the same platform and when the duration of course is determined as two years for both regular and for distance mode in M.A., Degree, the Petitioner undergoing Three Years M.A Degree Course in distance mode and acquiring B.Ed., Degree in midway on discontinuation of First Year M.A., could not be considered.

20. The Learned Special Government Pleader (Education) for the Respondents points out that in the present case, the Petitioner had acquired B.Litt. (Tamil subject) in December, 2006 and admittedly, the Petitioner joined M.A.Degree in the year 2007 in the distance mode at

Annamalai University. As a matter of fact, the duration of period is two years with effect from the year 2007. Therefore, the course completion for M.A. Degree comes to an end in the year 2008-2009. However, the Petitioner had conveniently discontinued the course in the duration period of M.A.Degree.

21. Apart from that, it is represented on behalf of the Respondents that the Petitioner without transfer certificate for course completion in M.A., had joined a fresh course, namely, B.Ed., in regular stream in the Academic Year 2008-2009, whereas the date of issue of transfer certificate for M.A.Degree course is indicated as 22.01.2014 therefore, the Petitioner without Course Completion Certificate for M.A., degree was allowed to join B.Ed., Course deviating the Rules in force.

22. Yet another line of an argument advanced on behalf of the Respondents is that for the direct recruitment of Post Graduate Assistant in the year 2012-2013, the cut off date for obtaining all the certificates were fixed as 14.06.2013. Also, the Respondents had clearly informed in the prospectus that all the certificates should have been obtained prior to last date for submission of filled in applications

and certificates issued after cut off date will not be considered. In this regard, it is projected on the side of the Respondents that the transfer certificate dated 22.01.2014 issued for M.A. Degree after cut off date 14.06.2013 and after verification dated 30.12.2013 could not be considered and the acquisition of two courses in the same academic year by the Petitioner remains unchanged.

23. The Learned Special Government Pleader for the Respondents draws the attention of this Court that in W.A.No.845 of 2013 (filed against the Order in W.P.No.30299 of 2012) the Division Bench of this Court on 07.01.2014 had uphold the Orders passed earlier by observing that 'Degrees studied and obtained in the same academic year simultaneously is not recognised'.

24. The Learned Special Government Pleader (Education) for the Respondents informs this Court that in respect of one C.Prabhu (Petitioner in W.P.No.6701 of 2013), the 2nd Respondent / Board had filed a Writ Appeal against the Orders passed in the Writ Petition and as on date the W.A.Sr.No.101046 of 2015 is pending. In regard to the order relating to D.Sivaranjini (Petitioner in W.P.No.35179 of 2012), the

2nd Respondent / Board had filed a Review Application against the impugned order and the same in Rev.Sr.No.73400 of 2017 dated 24.07.2017 is pending. As regards the Petitioner in W.P.No.18951 of 2015 (Tmt.M.Sridevi) the Secretary to Government had rejected the representation of the Petitioner in Government Letter R.C.No.29261 / ஆ.தே.வா.-/2015-1 dated 07.09.2017. The Writ Petition No.1092 of 2017, concerns the Petitioner, Tmt.D.Vasantham. The 2nd Respondent / Board had issued notice to the candidate as to why her selection be not withdrawn and the matter is pending before this Court for passing of an Interim Order. As against the Order passed in W.P.No.3916 of 2011 (Pertaining to the Petitioner, V.Prakash) the Board had preferred W.A.No.1035 of 2017 and the same is pending. In so far as Tmt.Paruvatham (Petitioner in W.P.No.41078 of 2015) is concerned, the 2nd Respondent / Board had rejected the representation in Lr.No.R.C.No.19/L2/2016 dated 21.12.2016.

25. By way of Reply, the Learned Counsel for the Petitioner by referring to the letter no.11018/ப.க.2(1)/2015-4 dated 22.09.2015 of the Principal Secretary to Government, School Education Department, Chennai -9 addressed to the Director of School Education, Chennai -6

in and by which at Paragraph No.5 it was mentioned that in respect of the consideration of 34 candidates, they were fulfilling the requirements of aforesaid Government Orders:

1. G.O.(Standing) No.107 (P&AR) dated 18.08.2009.
2. G.O.(Standing) No.65 (P&AR) dated 02.07.2014.
3. G.O. (Standing) No.242, Higher Education Department dated 18.12.2012.
4. G.O. (Standing) No.361 Education Department dated 31.12.1999.

and further they had obtained P.G.Degrees only after completion of 10th Standard Exams, 12th Standard Exams, later obtained the under Graduate Degree and subsequently acquired those Post Graduate and B.Ed., or B.T.Degree and P.G.Degrees. Continuing further, at Paragraph No.5 of the said letter it was also made mention of that in respect of all cases in W.P.No.30299 of 2012 dated 02.04.2013 pertaining to one Jageshwari, W.A.No.845 of 2013, R.A.No.32 of 2010, 07.01.2014 / 19.11.2014, K.Govindaraj in W.P.No.26275 of 2014 dated 12.11.2014 and W.A.No.53 of 2015 dated 23.01.2015. The Orders / Judgment obtained would not apply to 34 candidates. Ultimately, the 34 candidates were directed to be given the appointment orders and in this

regard, the Director of School Education was advised to take proper action.

26. The Learned Counsel for the Petitioner refers to the Judgment in W.A.No.866 of 2015 dated 27.01.2017 between Director of School Education and Another (Appellants) V.S.Prabhu (Respondent) wherein this Court on 27.01.2017 at Paragraph No.22 had observed the following:

“22. Therefore, we are satisfied that he has not pursued 2 academic programmes simultaneously. Even his appearing for the supplementary / backlog examinations of the 1st Year M.A. (English) Course took place on 26.12.2009 which is falling beyond the date of completion of his B.Ed., course. The Writ Petitioner was wrongfully denied selection to the post of Post Graduation Assistant (English)”

and ultimately the exercise leading to the appointment of Writ Petitioner therein S.Prabhu was ordered to be completed within a maximum period of 30 days from the date of receipt of copy of this order.

27. The Learned Special Government Pleader (Education) for the Respondents brings it to the notice of this Court that this Court in W.P.No.2807 of 2014 had referred the matter to a larger bench for

deciding the matter of “Simultaneous Degree” and as on date, the matter is pending. Besides the pending W.P.No.2807 of 2014 for larger bench decision, there are other matters pending in W.A.Sr.No.1010 of 2015 in Review Application Sr.No.73400 of 2017 dated 24.07.2017, W.A.No.1038 of 2017 etc.,

28. It appears that the Petitioner has not assailed the contents of the Letter No.11018/ப.க..2(1)/2015-4 dated 22.09.2015 of the Principal Secretary to Government addressed to the Director of School Education, Chennai -6 whereby and whereunder at Paragraph No.5 it was categorically mentioned that the Judgment in W.A.No.53 of 2015 dated 23.01.2015 would not apply to the 34 candidates, who were fulfilling the Government Order (Standing No.107 P&AR dated 18.08.2009), Government Order (Standing No.65 P&AR dated 02.07.2014, Government Order (Standing No.242 Higher Education Department dated 18.12.2002) and G.O.No.361, Education dated 31.12.1999 till date.

29. In the instant case, the Petitioner has filed the present Review Application in Sr.No.44072 of 2017 by filing C.M.P.No.11887 of 2017 on

18.09.2017 after delay of 844 days. Further, it is crystalline clear that the Petitioner has been emboldened to file the Review Application in Sr.No.44072 of 2017 in W.A.No.53 of 2015 after Judgment of this Court in W.A.No.866 of 2015 dated 27.01.2017 wherein finally the Respondent (Writ Petitioner in W.P.No.22699 of 2014) one S.Prabhu was directed to be provided with an appointment within a maximum period of 30 days from the date of receipt of copy of the Order.

30. It is to be noted that the Judgment in W.A.No.53 of 2015 (filed against the Order dated 12.11.2014 in W.P.No.26275 of 2014) was passed by the Hon'ble Division Bench of this Court on 23.01.2015. In fact, the Review Petitioner, K.Govindaraj in W.A.No.53 of 2015 was figured as an Appellant and nearly two years after the deliverance of Judgment in W.A.No.53 of 2015 dated 23.01.2015, the Judgment in W.A.No.866 of 2015 was passed by another Division Bench of this Court on 21.07.2017. Thereafter, the Petitioner has filed the C.M.P.No.11887 of 2017 in Review Application Sr.No.44072 of 2017 in W.A.No.53 of 2017 with the delay of 844 days assigning the reasons to the effect that his mother was affected by paralysis and he alone took care of his mother and later she expired on 02.10.2016. Since

thereafter C.M.P.No.11887 of 2017 in Review Application Sr.No.44072 of 2017 was filed by the Petitioner wherein the delay of 844 days had occasioned in preferring the instant Review Application. According to the Petitioner, the delay is neither wilful nor wanton, but due to the aforesaid reason.

31. It is to be pointed out that the Petitioner has not assailed the correctness, legality and validity of the Judgment in W.A.No.53 of 2015 dated 23.01.2015 passed by this Court. However, he has chosen to file the Review Application in Sr.No.44072 of 2017 with a delay of 844 days (vide C.M.P.No.11887 of 2017) only after the Judgment passed by a different Hon'ble Division Bench in W.A.No.866 of 2015 dated 27.01.2017. In this connection, it is to be noted that the proper course of action for the Petitioner is to prefer a Special Leave Petition before the Hon'ble Supreme Court as against the Judgment dated 23.01.2015 in Writ Appeal No.53 of 2015, of course in the manner known to Law and in accordance with Law.

32. It is true that Section 5 of the Limitation Act, 1963 is not only a salutary, but beneficial provision mainly meant to reduce the hardship of

a litigant. In fact, Section 5 of the Limitation Act, 1963 enjoins that a 'Petition' may be admitted after limitation period had expired, if the Appellant / Applicant specifically satisfies the conscience of a 'Court of Law' that there has been sufficient cause for delay. Undoubtedly, 'sufficient cause' is a condition precedent for exercise of discretion by the Court. For condoning a delay, when the mandatory provision is not fulfilled and the delay is not satisfactorily or convincingly explained, then, a Court of Law cannot / need not condone the delay merely on sympathetic ground alone.

33. The real position is, if the Court of Law finds that there has been no negligence on the part of the Petitioner and the cause shown for the delay does not lack bonafide, then, it may condone the delay. If in a given case the explanation furnished by the Petitioner is found to be an unacceptable one, or in case, if the Petitioner is thoroughly negligent or remained inactive in prosecuting his cause, then, it is a fit case for not exercising a judicial discretion to condone the delay in question. Whether there is 'sufficient cause' is a matter purely within the domain of the concerned Court of Law. The Court of Law is to see whether the reasons assigned by the litigant for the delay in question is merely a

device to cover an ulterior object / purpose. The legal maxim 'Dura Lex Sed Lex' meaning the Law is hard, but, it is the Law stands attracted in such a situation. Although on the side of the Petitioner, some xerox copies of prescriptions pertaining to his mother issued by Bharath Hospital, Erode and the Lab reports were filed along with the typed set of papers dated 09.06.2017, this Court is of the considered view that the Petitioner's mother being affected by Paralysis and that the Petitioner was taking care of his Mother etc., are not sufficient or adequate reasons on legal plane, because of the simple reason that the delay of 844 days in filing the C.M.P.No.11887 of 2017 in Review Application in Sr.No.44072 of 2017 is quite inordinate and the Petitioner obviously remained inactive and has filed the present Review after the Judgment in W.A.No.866 of 2015 dated 27.01.2017 delivered by this Court where the Writ Petitioner therein one S.Prabhu was directed to be given an appointment by the State Government within a maximum period of 30 days.

WEB COPY

34. At this stage, this Court worth recollects the decision of Hon'ble Supreme Court in **H.Dohil Constructions Company Private Limited V. Nahar Exports Limited and Another, (2015) 1 Supreme**

Court Cases at Page 680 at Special Page 681, wherein at Paragraph

Nos.19 and 24 it is observed and laid down as follows:

“19.It is true that the delay in filing the appeals was only 9 days and that the longer delay was only relating to the refiling of the appeal papers. But even if it is related to refiling of the appeals, the net result is that the appeals could be taken into records only when such a delay in refiling is condoned. Therefore, if the refiling had been made within the time granted by the Registry of the High Court, no fault can be found with anyone much less with the party concerned or whomsoever was entrusted with the filing of the papers into the Registry. But when an enormous delay of nearly five years occurred in the matter of refiling, it definitely calls for a closer scrutiny as to what was the cause which prevented the party concerned from refiling the papers in time to enable the Registry to process the papers and ascertain whether the papers were in order for the purpose of numbering the appeals.

24.The failure of the respondents in not showing due diligence in filing of the appeals and the enormous time taken in the refiling can only be construed, in the absence of any valid explanation, as gross negligence and lacks in bona fides as displayed on the part of the respondents. Further, when the respondents have not come forward with proper details as regards the date when the papers were returned

for refiling, the non-furnishing of satisfactory reasons for not refiling of papers in time and the failure to pay the Court fee at the time of the filing of appeal papers on 06.09.2007, the reasons which prevented the respondents from not paying the court fee along with the appeal papers and the failure to furnish the details as to who was their counsel who was previously entrusted with the filing of the appeals cumulatively considered, disclose that there was total lack of bona-fides in its approach.”

Also in the aforesaid decision at Page 682 in Paragraph No.25, it is observed as follows:

“25. Thus, total lack of bona fides in its approach and the impugned order of the High Court in having condoned the delay in filing as well as refiling, of 9 days and 1727 days respectively, in a casual manner without giving any reason, much less acceptable reasons, cannot therefore be sustained.”

35. It may not be out of place for this Court to make a significant mention that 'Re-arguments' in a case are not permissible in 'Review'. It is to be remembered that subsequent decision or order of a Court of Law is not a ground for 'Review'.

36. On a careful consideration of the contentions advanced on behalf of the Petitioner and also considering the facts and circumstances of the case, this Court comes to an irresistible conclusion that the Petitioner has not acted diligently in time or he remained inactive and although he had come with a plea that his mother was affected by Paralysis and was taking care of his mother, for such an inordinate delay of 844 days in preferring the instant Review Application, this Court opines that he has not offered a satisfactory explanation to the subjective satisfaction of this Court. As such, this Court, is of the earnest view that the delay of 844 days in preferring the instant Review Application in Sr.No.44072 of 2017 is not to be condoned. Moreover, the delay of 844 days has not been satisfactorily explained. Viewed in that perspective, on the peculiar facts of this case, this Court is not in a position to extend its arm of 'Judicial Generosity' in allowing C.M.P.No.11887 of 2017 in Rev.Appln.Sr.No.44072 of 2017. Resultantly, the C.M.P.No.11887 of 2017 in Rev.Appln.Sr.No.44072 of 2017 fails.

In fine, C.M.P.No.11887 of 2017 in Rev.Appln.Sr.No.44072 of 2017 is dismissed. It is made clear that the dismissal of

C.M.P.No.11887 of 2017 by this Court will not preclude the Petitioner to assail the correctness of Judgment in W.A.No.53 of 2015 dated 23.01.2015 before the Hon'ble Supreme Court in the manner known to Law and in accordance with Law, if he so desires / advised.

M.V.J., & P.D.A.J.,

[06.10.2017]

Speaking / non speaking order

Index: Yes /No

Internet :Yes / No

ssd



WEB COPY

To

1. State of Tamilnadu
represented by its Secretary,
School Education Department,
Fort St. George,
Chennai – 600 009
2. The Secretary,
Teachers Recruitment Board,
EVK Sampath Maligai,
DPI Compound, College Road,
Chennai



WEB COPY

M.VENUGOPAL, J.
and
P.D.AUDIKESAVALU, J.

ssd



Pre-delivery Order in
C.M.P.No.11887 of 2017 in
Review Application Sr.No.44072 of 2017

06.10.2017

WEB COPY