

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **14.11.2017**

CORAM:

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

and

THE HONOURABLE MR. **JUSTICE M.V.MURALIDARAN**

Review Application (Writ) No.112 OF 2017

1.K.Manoharan

2.V.Porkody

versus

: petitioners

1.The Union of India,
rep. By the Chief Secretary to Government,
Government of Puducherry,
Puducherry

2.The Secretary to Government, (Education)
Chief Secretariat,
Government of Puducherry
Puducherry

3.The Director of School Education,
Government of Puducherry
Puducherry

4.Central Administrative Tribunal,
rep. By its Registrar,
Chennai

: respondents

Petition filed to review the order passed in W.P.No.11376 of 2014
dated 25.4.2017.

For petitioner : Ms.Anna Mathew

For respondents : Mr.Syed Mustafa, Spl. Government Pleader

ORDER

This review petition is filed by the petitioners in W.P.No.11376 of 2015 on the ground that there is an error apparent on the face of the record.

2. It is the case of the petitioners that only from the counter affidavit filed by the Director of School Education in the writ petition, they came to know that there was a 5th vacancy, which was included in the subsequent recruitment notified on 17 September 2014.

3. The learned counsel for the petitioners submitted that the roster point produced by the respondents before the Tribunal was not given to the petitioners and as such, they were in darkness with regard to the vacancies for the schedule caste candidates. According to the learned counsel, it was only from the counter affidavit filed by the Director of School Education in the writ petition, they came to know that there was a fifth vacancy, which was included in the subsequent recruitment notified on 17 September 2014. According to the learned counsel, the writ petition filed by the petitioners was dismissed only on the ground that it is not possible for this court to entertain the request for judicial review on the

basis of documents which were not produced before the Tribunal.

4. The learned Special Government Pleader (Services) appearing on behalf of the respondents submitted that there was no case made out by the petitioners for review. According to the learned counsel, all these materials were produced before the Tribunal and on the basis of the rival contentions, the issue was answered.

5. The counter affidavit filed by the Director of School Education contain certain details with regard to the roster point. The counter proceeds as if there was a fifth vacancy which was adjusted in the subsequent recruitment. All these materials were not with the petitioners when the original application was contested before the tribunal.

6. After hearing the learned counsel for the petitioners and the learned Special Government Pleader, we are of the view that interest of justice would be sub served by giving liberty to the petitioners to move the Tribunal with an application for review.

K.K.SASIDHARAN, J.
and

M.V.MURALIDARAN, J.
(tar)

7. The petitioners are given liberty to file a review application before the Tribunal for review of the order dated 25 March 2014 in O.A.No.217 of 2012. In case any such review application is filed within a period of three weeks time from today, the same shall be entertained and disposed of by the Tribunal on merits and as per law, notwithstanding the delay.

The review petition is disposed of with the above direction. No costs.

(K.K.SASIDHARAN, J.) (M.V.MURALIDARAN, J.)
14.11.2017

tar

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