

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.8.2017

CORAM

**THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN**

**Review Application No.101 of 2017,
Contempt Petition No.738 of 2015
and
Sub Application No.254 of 2015**

Review Appln. No.101/2017

1. The Director of School Education,
College Road, Chennai 600 006.
2. The Joint Director of School Education,
College Road, Chennai 600 006.
3. The Chief Educational Officer,
Salem.
4. The Headmaster,
Government Girls Higher Secondary School,
Valasaiyur, Salem District.

Petitioners

सत्यमेव जयते
Versus

S.John Richard Vijayan

Respondent

Cont. Petition No.738 of 2015

S.John Richard Vijayan

Petitioners

vs.

Mr.K.Selvakumar,
Chief Educational Officer,
Salem District, Salem-1.

Respondent

Prayer: Review Application filed under Order 47 Rules 1 and 2 read with Section 114 of CPC to review the order dated 21.11.2014 passed in W.A.No.1292 of 2012.

Contempt Petition filed under Section 11 of Contempts of Courts Act, 1971 to punish the Respondent herein for contempt of Court for non-compliance of the judgment dated 21.11.2014 in W.A.No.1292 of 2012 passed by this court.

For review petitioners/
Contemnor : Mr.V.Jayaprakash Narayanan,
Special Govt. Pleader

For respondent/petitioner
in Cont. Petn. : Mr.K.V.Sajeev Kumar

COMMON ORDER

(Order of the court was made by HULUVADI G.RAMESH,J.)

Heard the learned counsel appearing for the parties for some time.

2. The Review Application is filed, very belatedly, seeking to review the judgment delivered by a Division Bench of this Court setting aside the order passed by the learned Single Judge and thereby granting the relief to the writ petitioner by directing the Chief Educational Officer, Salem to approve the appointment of the writ petitioner as Physical Education Teacher from the date of his joining duty i.e., from 7.6.2007 and pay arrears of salary from the said date till 29.12.2011 and to treat the period from 30.12.2011 till the end of November 2014 as duty for all other purposes except for the salary payable. Such order was directed to be complied before the end of November 2014 itself.

3. It appears that the writ petitioner had joined joined duty on

7.6.2007 and worked for about five years and since his salary was not disbursed, he had filed a writ petition seeking for a direction to the authorities to consider his representation in that regard which ended in the order impugned in the present writ petition, whereby, it appears that his claim was rejected on the ground that on verification of the certificates, it was found that the qualification of SSLC obtained by him in Karnataka State is not equivalent to the qualification prescribed in Tamil Nadu and he was also relieved from service on cancellation of his appointment. Subsequently, he succeeded in the writ appeal. Finding that the judgment delivered by the Division Bench is not being complied with the contempt petition has been filed by the writ petitioner.

4. The stand taken by the Government is that the writ petitioner secured only 30 marks in English, in SSLC whereas '35' is the marks prescribed for passing a subject in SSLC in Tamil Nadu and hence, the qualification of SSLC obtained by the writ petitioner in Karnataka State could not be equated to the requisite qualification of SSLC to get appointment in Tamil Nadu.

5. On verification of the materials available on record, we find from page 25 of the typed set of papers that the writ petitioner had secured 41.27% in SSLC and passed through the SSLC examination conducted by the Karnataka Secondary Education Examination Board and subsequently, he had obtained higher qualifications, viz., PUC and B.A., Bachelor of Physical Education and Master of Physical Education. Further, from page 36 of the

typed set of papers, it appears that the University of Madras has conveyed the petitioner, by its letter dated 4.5.2007, that the Pre-University Examinations conducted by the Board of Pre-University Education, Karanataka is treated as equivalent to the Tamil Nadu Higher Secondary Examination for purpose of Higher Studies/Appointment.

6. Therefore, we are unable to endorse the interpretation given by the authorities that the qualification of SSLC obtained by the writ petitioner in Karnataka State could not be equated with the qualification of SSLC in Tamil Nadu only on the ground of his securing 30 marks in English though it is declared as pass in Karnataka State. We do not find any error apparent in the judgment delivered in the writ appeal and accordingly, we find no scope to review the judgment. Therefore, the review application stands dismissed. The authorities are directed to give effect to the judgment delivered in the writ appeal forthwith, within a period of two month from the date of receipt of copy of this order. No costs.

7. In view of the above order passed in the review application, the contempt petition is closed for the time being and in the event of non-compliance of the order any longer, it is for the writ petitioner to move fresh contempt petition. The connected Sub Application is also closed.

(H.G.R.,J.)(G.J.,J.)

18.8.2017.

Index:Yes/No
Internet:Yes/No
ssk.

To

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**HULUVADI G. RAMESH, J.
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G.JAYACHANDRAN, J.**

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