



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.11.2017

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THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE Mr.JUSTICE P.VELMURUGAN

C.M.P.(MD).No.7330 of 2017
in
REV.APLC.(MD).No.SR30688 of 2017

- 1.R.Venkataswamy
- 2.G.Mariyammal
- 3.S.Shanmuganathan,
- 4.C.Krishnaveni
- 5.P.Arivuchudar
- 6.V.Sivanandam
- 7.R.Pandian
- 8.G.Karthikeyan

.. Petitioners

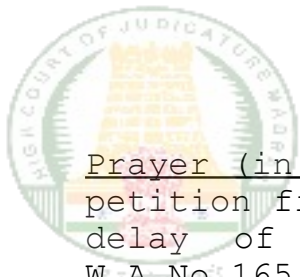
Vs.

State Rep by:

- 1.The Government of India,
Represented by its Secretary,
Ministry of Defence, New Delhi.
- 2.The Heavy Alloy Penetrator Project,
Government of India, Represented by its
Senior General Manager,
Heavy Alloy Penetrator Project,
Ministry of Defence, Trichy-25.
- 3.Sri Ramakrishna Tapovanam,
Tiruparaithurai, Represented by its President,
Sri Ramakrishna Tapovanam,
Tiruparaithurai, Trichirapalli District.
- 4.The Director of School Education,
College Road, Chennai - 34.
- 5.P.Saroja,
- 6.R.Puduraja,
- 7.L.Mahalakshmi,
- 8.V.Jeyasudha
9. E.Ponniah

<https://hcservices.ecourts.gov.in/hcservices/>

... Respondents



Prayer (in C.M.P.(MD).No.7330 of 2017): Civil miscellaneous petition filed under Section 5 of the Limitation Act, to condone the delay of 67 days in filing this Review Application against W.A.No.165 of 2017 dated 21.04.2017.

PRAYER (in REV.APLC.(MD).No.SR30688 of 2017): Review Application is filed under Order 47 Rules 1 and 2 r/w Section 114 of the Code of Civil Procedure to review the order passed in W.A.No.165 of 2017, dated 21.04.2017.

Prayer in WA(MD). 165/ 2017 :

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order of the Honourable Court made in the Writ Petition No.12110/2009 dated 05/01/2017 and allow this appeal and writ petition.

Prayer in WP(MD). 12110/ 2009 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the proceedings of the First respondent no. 11123/admn/HAPP dated 04/06/2007 and quash the same as illegal and directing the first respondent to take over the H.A.P.F.Paramahamsa Matriculation school, by the ordnance factory board and absorb the present staff of the school with all facilities enjoyed by the ordnance factory board school .

For Petitioners : Mr.N.Mohideen Basha

O R D E R

(Order of the Court was made by T.S.SIVAGNANAM, J.)

Heard Mr.N.Mohideen Basha, the learned counsel for the petitioner.

2. The prayer sought for in this Civil Miscellaneous Petition is to condone the delay of 67 days in filing the Review Application against the judgment in W.A.No.165 of 2017 dated 21.04.2017.

3. The Appeal was filed by the writ petitioners against the order in W.P. No.12110 of 2009 dated 05.01.2017. In the said Writ Petition, the writ petitioners sought for issuance of a Writ of Certiorarified Mandamus to quash the order passed by the first respondent dated 04.06.2017 and for a consequential direction to take over the HAPF Paramahamsa Matriculation School, by the Ordinance Factory Board.



4. The Madurai Bench of this Court, by order dated 05.01.2017 dismissed the Writ Petition against which, the petitioners preferred an appeal before us and after elaborate hearing of the parties, we dismissed the Writ Appeal by judgment dated 21.04.2017. After the dismissal of the Writ Appeal, the petitioners filed C.M.P.(MD) No.4687 of 2017, praying for a clarification of the judgment passed in Writ Appeal No.165 of 2017.

5. In the said Miscellaneous Petition, an interim order was passed on 15.06.2017 giving interim protection to the petitioners/teachers from being evicted from the residential quarters and liberty was granted to the petitioners to implead the third party, who has taken over the Institution. It appears that, despite the order of interim protection granted to the teachers, directing the second respondent not to evict them from the residential quarters till the disposal of C.M.P.No.4687 of 2017, they were evicted. During the pendency of C.M.P.No.4687 of 2017, the petitioners have filed the present Review Application on 26.07.2017 along with a delay of 67 days.

6. We have heard the learned counsel for the petitioner on the merits of the matter.

7. The main grievance of the petitioners, as of now, appears to be their lack of employment. According to the learned counsel for the petitioner, most of the petitioners were working for more than twenty years and have crossed 50 years of age and it would be impossible for them to secure an employment. It is further submitted that, the Institution, where, they were working is a recognized Matriculation School under the control of the Director of Matriculation Schools and there is a separate Code framed for administration of Matriculation Schools both for teaching and non teaching staff and without adhering to any of the provisions of the Code, the services of the petitioners were abruptly terminated. This plea cannot be considered by us in a Review Application, in the light of the fact that the prayer in the Writ Petition was to set aside the order passed by the first respondent deciding to close the School and for a direction to take over the administration of the School by the Ordinance Factory Board. Therefore, on the grounds raised, this Court cannot entertain the Review Application. Apart from that, there is no error pointed out in the impugned judgment, much less an error which is apparent on the face of the record. Hence, we are not inclined to entertain the Review Application. However, we make it clear that the right of the petitioners, with regard to their employment is concerned, being an independent cause of action, it is left open to the petitioners to adjudicate the same before the appropriate Authority/Forum, and in the event of it is being done, the same shall be considered in accordance with the relevant regulations and the Rules governing the service conditions in Matriculation School.



8. With the above observations, the Civil Miscellaneous Petition is dismissed and the Review Application is rejected at the SR stage.

Sd/-

Assistant Registrar(CSII)

/True Copy/

Sub-Assistant Registrar

To

1.The Secretary,he Government of India,
Ministry of Defence, New Delhi.

2.The Senior General Manager,
The Heavy Alloy Penetrator Project,
Government of India,
Ministry of Defence, Trichy-25.

3.The Director of School Education,
College Road, Chennai - 34.

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RL/4C/4P/JC/SAR2/20/12/2017

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