



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.07.2021

CORAM:

The Hon'ble Mr.JUSTICE T.S.SIVAGNANAM

AND

The Hon'ble Mrs.JUSTICE S.ANANTHI

Rev.Aplc(MD) No.60 of 2020

and

C.M.P. (MD) .No.6991 of 2020

M.Ramkumar

...Petitioner/Respondent/Petitioner

Vs.

1. The Secretary to Government,
Department of School Education,
St. George Fort, School Education,
Chennai - 600 009.
2. The Director of School Education,
College Road,
Chennai - 600 005.
3. The District Educational Officer,
Aranthangi,
Pudukottai District. ...Respondents/Petitioner/Respondents

PRAYER: This Petition filed under Order 47 Rule 1 of Code of Civil Procedure, to Review order and Modify the order dated 25.05.2017 made in W.A.(MD).No.278 of 2016 in W.P(MD).No.8895 of 2015.

Prayer in WA(MD). 278/ 2016 :

Writ Appeal is filed under section 15 of Letter Patent Act, Praying this Honourable Court against the order dated 04.06.2015 in W.P.(MD)No.8895 of 2015.

Prayer in WP(MD). 8895/ 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 the records pertaining to the order of the respondent in his Proceedings 3rd respondent by his Proceedings in Na.Ka. No. 1672/A1/2001 dated 13.06.2013 and quash the same as illegal, consequently to direct third respondent to consider the petitioner s case for compassionate appointment.



For Petitioner : Mr.Raja Karthikeyan

For Respondents : Mr.A.K.Manickam,
Standing Counsel.

O R D E R

[Order of the Court was delivered by **T.S.SIVAGNANAM, J.**]

The Review Application has been filed to review the Judgment and Order in W.A.(MD)No.278 of 2016, filed by the Government, which was allowed setting aside the order dated 04.06.2015 in W.P.(MD)No.8895 of 2015 not on merits, but on the ground that the Review Petitioner has suppressed filing of another Writ Petition for the very same relief before us.

2. The learned counsel for the Review Petitioner submitted that because of the communication gap between the learned Advocate at Aranthangi who was in contact with the appellant and the learned Advocate in Madurai, the second writ petition was filed.

3. Though such plea was raised before us, we find that such plea has been raised for the first time and as rightly pointed out by the learned counsel for the Review Petitioner, it is not very convincing. However, we find that the order passed in the Writ Petition was for a direction to consider the application filed by the petitioner for grant of appointment on compassionate ground in accordance with law. Therefore, we are inclined to take a lenient view in the matter also by taking note of the fact that the cost of Rs.5,000/- has been paid by the appellant.

4. In the light of the above, the Review Application is allowed and the Judgment passed in W.A.(MD)No.278 of 2016 is modified by permitting the appellant to submit a fresh representation to the third respondent, along with copy of this Judgment, along with earlier representation, which has been referred to in the Writ Petition and the third respondent shall consider the same on merits and in accordance with law, within a period of five months from the date on which the said representation submitted. No costs. Consequently, connected miscellaneous petition is closed.

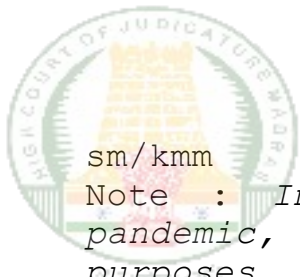
Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)



sm/kmm

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Secretary to Government,
Department of School Education,
St. George Fort, School Education,
Chennai - 600 009.
2. The Director of School Education,
College Road,
Chennai - 600 005.
3. The District Educational Officer,
Aranthangi,
Pudukottai District.

Order made in
Rev.Aplc. (MD) No.60 of 2020

Dated:
06.07.2021

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