



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2018

CORAM:

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
and
THE HON'BLE MR.JUSTICE RMT.TEEKAA RAMAN

Review Application No.27 of 2018
in
W.A.No.1394 of 2014

K.Mathukumar

... Petitioner

.. Vs ..

1. State of Tamil Nadu
Rep. by the Secretary,
Education Department,
Fort St. George,
Chennai - 600 009.
2. The Director of School Education,
DPI Compound,
Nungambakkam,
Chennai - 600 006.
3. The Correspondent,
M.M. Higher Secondary School,
Bethelpuram,
Kanyakumari District.
4. Mrs.P.R.Selvi
P.G. Assistant (Economics)
M.M. Higher Secondary School,
Bethelpuram,
Kanyakumari District.

... Respondents

Prayer: Review application filed under Order 47 Rule 1 and 2 of CPC r/w. Section 114 of C.P.C. to review the Judgment passed by this Court dated 13.06.2017 in W.A.No.1394 of 2014 and M.P.No.1 of 2014.

Appeal filed Under clause 15 of Letters Patent against the order dated 14/02/2014 made in W.P.23260/2011.



WP.NO.22360/2011:

Petition filed Under Article 226 of the Constitution of India seeking Writ of Certiorarified Mandamus calling for recrods relating to the proceedings in Na.Ka.No.18132/WS/E1/2008, dated 07/06/2011, passed by the Second respondent herein and quash the same and futher direct the respondents to approve the post of P.G.Assistant, Economics, in M.M.Higher Secondary School, Bethelpuram, Kanyakumari district with all backwage, contiunity of service and all other consequential benefits.

For Petitioner : Mr.M.Ravi
For RR-1 & 2 : Mr.C.Munusamy,
Special Government Pleader
For R-3 : M/s.Profexs Associates
- - - - -

ORDER

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

This review application has been filed by the petitioner seeking to review the order passed by this Court in W.A.No.1394 of 2014 dated 13.06.2017.

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

3. The main contention raised by the learned counsel for the review petitioner is that the review petitioner has worked for more time in the third respondent school for about a period of 12 years and for such period, he has not been paid the salary by the third respondent school authorities and this aspect has not been considered in the main writ appeal. The learned counsel further submitted that deliberately the name of the review petitioner was not recommended for regularization by the school authorities.

4. On perusing our order and also hearing the learned Special Government Pleader, we find that the review petitioner's name is neither recommended by the school authorities to the Government for regularization nor he continued in the said post at the time of recommendation for the post in the subject 'Economics' was sanctioned. As the review petitioner's name has not been proposed for inclusion for the subject of Economics, then at the most, the third respondent School on its part, as



the employer institution has to pay the salary either from their fund or with the Government aid.

5. We are of the view that the review petitioner's name has not been proposed to the Government. It appears that the existence of the said post on the date of the recommendation and on the subsequent event of the said Department also assumes significance. However, it is for the third respondent School to extend the salary to the review petitioner for having worked for some years and insofar as the payment of salary is concerned, since at the relevant period Economics subject was prescribed having student strength and the school authorities have not paid the salary regularly, it is for the school authorities/Government to pay the salary/arrears after proper calculation.

6. After going through the orders passed by us and also after considering the submission made by the learned counsel for the review petitioner, we do find some error apparent on the face of the record. Hence, the review petition is partly allowed to the extent indicated above.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

Jr1

To

1. The Secretary,
State of Tamil Nadu
Education Department,
Fort St. George,
Chennai - 600 009.
2. The Director of School Education,
DPI Compound,
Nungambakkam,
Chennai - 600 006.

+1cc to Mr.M.Ravi, Advocate sr.no.39625

Review Application No.27 of 2018

nr 17/09/2018