

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.10.2018

C O R A M

THE HONOURABLE Mr. JUSTICE R.SURESH KUMAR

W.M.P.No.30603 of 2017
in Rev.AplW.No.Sr.No.98171 of 2017
in W.P.No.29788 of 2008

1. The State of Tamil Nadu
Rep by the Secretary and Commissioner,
Education Department, Fort St.George,
Chennai 600 009.

2. The Director of School Education,
College Road, Chennai 600 006.

3. The Chief Educational Officer,
Madurai - 600 006.

4. The District Educational Officer,
Usilampatti - 625 532,
Madurai District .. Petitioners/applicants

-Vs-

Sri M.K.V.Sala Higher Secondary School,
S.Malapathy - 625 703,
Rep by its Correspondent Secretary
Durai Kalidasan, S/o.Duraisway Nadar ... Respondent/Petitioner

Prayer in W.M.P.No.30603 of 2017 in Rev.AplW.No.Sr.No.98171 of 2017: This Petition filed under Article 226 of the Constitution of India praying to condone the delay of 247 days in filing the Review Application against W.P.No.29788 of 2008 dated 23.11.2016.

Prayer in Rev.AplW.No.Sr.No.98171 of 2017: This Review Application has been filed praying against the order of the Hon'ble Mr.Justice R. Suresh Kumar dated 23.11.2016 made in W.P.No.29788 of 2008 on the file of this Court.

For petitioners ... Mr.K.Karthikeyan
Government Advocate

ORDER

This petition had been filed to condone the delay of 247 days in filing the above referred Review Application seeking to review the order passed by this Court dated 23.11.2016 made in W.P.No.29788 of 2008.

2. Mr.K.Karthikeyan, the learned Government Advocate appearing for the petitioners submits that, insofar as the issue raised in the main Writ Petition is concerned, by way of subsequent

development, Government issued an Order in G.O.Ms.No.64, School Education Department dated 04.05.2018 whereby certain mandatory guidelines have been issued to the educational authorities with regard to the approval to be given to non teaching staff. Since the said Government Order had been issued subsequent to the order passed by this Court dated 23.11.2016, the impact of the said Government Order could not be brought to the notice of this Court. However, in view of the said Government Order having been issued, the petitioners herein are ready and willing to re-consider the issue, as directed by this Court dated 23.11.2016 in W.P.No.29788 of 2008, while remanding the matter back for re-consideration to the second petitioner herein, which is the subject matter in the Review.

3. This Court, in the order dated 23.11.2016 in W.P.No.29788 of 2008, has passed the following Order:

"5. Resultantly, the issue is remanded back for re-consideration to the second respondent, who on receipt of a detailed representation to be submitted by the petitioner's School giving details of students' strength atleast for the last three academic years, shall consider the same and if the students' strength is beyond the 250 level consecutively for three academic years, then, the petitioner shall be entitled to get a sanctioned post of Junior Assistant and in that regard, the respondents shall pass necessary orders sanctioning the said post. The petitioner shall make the representation so indicated within two weeks from the date of receipt of a copy of this Order. On receipt of the same, the needful shall be done within a period of two months thereafter. The Writ Petition is ordered in the above terms. No costs. Consequently, connected miscellaneous petitions are closed."

4. The learned Government Advocate further submits, since some time was fixed by the said Order and the said time limit has been lapsed already, some more time can be granted by this Court, within which, the Order of this Court dated 23.11.2016 referred to above, would be complied with by the respondents.

5. Recording the said submission made by the learned Government Advocate appearing for the petitioner, while rejecting the present Petition for condoning the delay in filing the review application and consequently, the review application, this Court is inclined to grant four weeks time to the petitioners herein from the date of receipt of copy of this order, to comply with the orders passed by this Court made in W.P.No.29788 of 2008 dated 23.11.2016 and pass a final order thereon and communicate the same to the respondent-School.

6. With these directions and observations, this petition is dismissed. Consequently, the main review application S.R.No.98171 of 2017 is also rejected. No costs.

03.10.2018

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To

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3. The Chief Educational Officer,

Madurai - 600 006.

4. The District Educational Officer,
Usilampatti - 625 532, Madurai District

R.SURESH KUMAR,J

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