



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **23.10.2018**

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

and

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.A. (MD) No.1351 of 2017

and

C.M.P. (MD) No.9593 of 2017

1.The Secretary to Government of Tamil Nadu,
Department of School Education,
Fort St. George,
Chennai-600 006.

2.The Director of School Education,
D.P.I.College Road,
Chennai.

3.The Chief Educational Officer,
Thoothukudi.

4.The District Educational Officer,
Kovilpatti, Thoothukudi District.

: Appellants/
Respondents 1 to 4

Vs.

1.S.Jeyakumar

: 1st Respondent/
Writ Petitioner

2.The Secretary,
Hindu Nadars Higher Secondary School,
Kadambur, Thoothukudi District.

: 2nd Respondent/
5th Respondent

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent against the order this Court dated 19.06.2017, made in W.P. (MD) No.3954 of 2015.

Prayer in WP (MD). 3954/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to grant the Two set of Incentive Increment to the petitioner from the periods of 29.11.2001 to 31.05.2009 as a vocational instructor and another One set of Incentive Increment for acquiring M.Phil from December 2007 onwards in the light of the order passed by this Court in WP (MD) NO. 960 of 2011 dated 16.04.2012 as well as the 1st Respondent proceedings of Government Letter (1T) NO. 356 /School Education, dated 02.11.2007 and consequential proceedings of the 2nd respondent bearing Pa.Mu.NO. 79286/W/05.03.2007 dated 28.01.2007 in a period of time that may be stipulated by this Court.



For Appellants : Mrs.S.Srimathy,
Special Government Pleader
For Respondent No.1: Mr.S.Siva Ilayaraja
For Respondent No.2: Mr.R.S.T.Ravanan @
Ramasubramanian

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JUDGMENT

[Judgment of the Court was delivered by **M.M.SUNDRESH, J.**]

Challenging the order of the learned Single Judge, which was passed on the admission made by the learned Special Government Pleader, the present Writ Appeal has been filed.

2. Law is quite settled that when an order is passed by consent, the only remedy open to the party is to approach the very same Court seeking review of the same by bringing to the notice of the Court the new facts.

3. In such view of the matter, we are not inclined to entertain this Writ Appeal. Accordingly, the Writ Appeal stands dismissed giving liberty to the appellants to file a Review Application. Taking into consideration of the time taken before this Court, we grant a further period of six weeks from the date of receipt of a copy of this judgment to the appellants to file a Review Application, in which case, the Registry shall not return it on the ground of delay. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

Sub Assistant Registrar (CS-II)

To

1.The Section Officer, Writ Section,
Madurai Bench of Madras High Court, Madurai.

2.The Section Officer, Judicial Section,
Madurai Bench of Madras High Court, Madurai.

+ 1 CC TO MR.S.SIVA ILAYARAJA, ADVOCATE IN SR NO.91735

+ 1 CC TO SPECIAL GOVERNMENT PLEADER, IN SR NO.91391

sml

BU/NM/SKN/SAR-2 :15.11.2018 : 2P/5C

Judgment made in
W.A. (MD) No.1351 of 2017
and

CMP. (MD) .No.9593 of 2017
Dated: 23.10.2018