

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2019

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THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

REVIEW APPLICATION (Writ) No.192 of 2019

B.Ramachandran

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Petitioner

Vs

1. State of Tamil Nadu rep. by its
Secretary to Government,
Higher Education Dept.,
Secretariat, Chennai-9.

2. The Commissioner of Technical Education,
Guindy, Chennai - 25.

3. The Principal
Arulmigu Palaniandavar Polytechnic College,
Palani 624 601, Dindugal District.

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Respondents

Review Application has been filed against the order passed in
W.P.No.11071 of 2014, dated 4.03.2019.

For Petitioner : Mr.P.Ganesan

For Respondents : Mr.K.Karthikeyan, G.A.

ORDER

The review applicant has filed the writ petition in W.P.No.11071 of 2014
challenging the Government order passed in G.O.Ms.No.369, Higher Education

Department, dated 9.11.2006 and consequential order passed by the first respondent in letter No.163, dated 4.9.2013. The above writ petition was disposed by this Court by directing the petitioner to make fresh representation to the second respondent, within two weeks and the second respondent shall consider the said representation in terms of the orders passed by this Court in W.P.(md) No.5766 of 2008, dated 5.3.2012 and W.A.(md) No.1344 of 2013, dated 14.8.2014.

2 Now, the writ petitioner has filed the review application on the ground that the orders passed in W.P.No.5766 of 2008, dated 5.3.2012 and W.A.(md) No.1344 of 2013, dated 14.8.2014 are not applicable to the case on hand. Therefore, the writ petitioner has filed the review application before this Court.

3 According to the writ petitioner/Review applicant, the writ petitioner joined as Instructor in Nachimuthu Polytechnic College, Pollachi and his services were regularised by the second respondent. The Government passed G.O.Ms.No.369, Higher Education department, dated 9.11.2006 redesignating the post of Instructor as Lecturer in the Government Colleges. The Instructors working in Government aided Colleges filed writ petition in W.P.No.8253 of 2011 to re-designate the Instructor post as Associate Lecturer, now Lecturer. The writ petition was dismissed and Writ Appeal was filed before this Court in W.A.No.811 of 2011. In the Writ appeal, the Division Bench of this Court, by order, dated 24.8.2011, directed the Government to consider

the representation, dated 28.6.2011 and pass appropriate orders. But the Government rejected the said request on 4.9.2013. Challenging the Government order passed in G.O.Ms.No.369, Higher Education department, dated 9.11.2006 and the consequential order passed by the Government in Letter No.163, Higher Education department, dated 4.9.2013, the review applicant has filed the present writ petition before this Court.

4. The learned Government Advocate submitted that a writ appeal is pending before this Court in W.A.No.2820 of 2018 on the very same issue, the relief prayed for in the writ petition cannot be granted by this Court. At this stage, the learned counsel appearing for the petitioner seeks liberty to approach the Government for making fresh representation and the Government shall consider the said representation and pass appropriate orders subject to the outcome of the orders passed in W.A.No.2820 of 2018.

5. Having regard to the Writ appeal in W.A.No.2820 of 2018 pending before this Court on the very same issue and in view of the submission made by the parties, this Court is inclined to pass the following order:

The order passed by this Court in W.P.No.11071 of 2014, dated 4.3.2019 is reviewed on the following terms:

(i) It is open to the writ petitioner to make fresh representation to the Government within a period of three weeks from the date of receipt of a copy of this order.

(ii) On receipt of such representation from the writ petitioner, the first respondent/Government shall consider the same, after final order passed in W.A.No.2820 of 2018.

(iii) After disposal of the writ appeal, the writ petitioner also to make representation to the authorities concerned for passing appropriate orders.

6. Accordingly, the order passed by this Court in W.P.No.11071 of 2014, dated 4.3.2019 is recalled. Review application is allowed with the above directions.

No costs.

25.10.2019

Index : Yes/No

Internet : Yes/No

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To

1. The Secretary to Government,
State of Tamil Nadu, Higher Education Dept.,
Secretariat, Chennai-9.

2. The Commissioner of Technical Education,
Guindy, Chennai - 25.

3. The Principal
Arulmigu Palaniandavar Polytechnic College,
Palani 624 601, Dindugal District.

D.KRISHNAKUMAR, J.

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