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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.01.2019

CORAM:

THE HONOURABLE MR.JUSTICE **R.SUBBIAH**

AND

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.M.P. (MD) .Nos.1299 to 1304 of 2017

IN

**REVIEW APPLICATION .[MD]. (SR)Nos.3833, 3836, 3839, 3842, 3845 and
3848 of 2017**

Usilampatti Khatariya Kula Hindu Nattathi
Nadarkal Uravinmuraikku Pathiyamana Nadar,
Saraswathy Higher Secondary School
and Primary School Paribalana Sabai,
Usilampatty [Registration No.35/61]

Represented by its Secretary Mr.G.Subramanian,
Having its Office at T.G.Road Usilampatti - 625 532
and residing at No.15/55, V.K.S.Street,
Usilampatti 625 532.

: Petitioner/3rd Party

Vs.

1.The State of Tamil Nadu,
Rep by its Secretary to Government,
School Education Department,
Secretariat, Chennai 9.

2.The Director of School Education,
Office of the School Education Office,
College Road, Chennai.

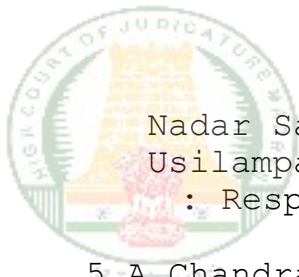
3.The Chief Educational Officer,
Office of the Chief Educational Office,
Thallakulam, Madurai District.

4.The District Educational Officer,
Office of the District Educational Office,
Near Government Higher Secondary School,
Usilampatti, Madurai District.

...Respondents 1 to 4/
Appellants

5.E.Marimuthu,
PG Assistant [History],
Nadar Saraswathi Higher Secondary School,
Usilampatti, Madurai District.

: Respondent No.5 in C.M.P. (MD) .No.1299 of 2014



Nadar Saraswathi Higher Secondary School,
Usilampatti, Madurai District.

: Respondent No.5 in C.M.P.(MD).No.1300 of 2014

5.A.Chandra,

PG Assistant [Tamil],

Nadar Saraswathi Higher Secondary School,
Usilampatti, Madurai District.

: Respondent No.5 in C.M.P.(MD).No.1301 of 2014

5.Karmega Kannan

PG Assistant [Chemistry],

Nadar Saraswathi Higher Secondary School,
Usilampatti, Madurai District.

: Respondent No.5 in C.M.P.(MD).No.1302 of 2014

5.Manoharan

PG Assistant [Science],

Nadar Saraswathi Higher Secondary School,
Usilampatti, Madurai District.

: Respondent No.5 in C.M.P.(MD).No.1303 of 2014

5.Chellapandian,

PG Assistant [Botony],

Nadar Saraswathi Higher Secondary School,
Usilampatti, Madurai District.

: Respondent No.5 in C.M.P.(MD).No.1304 of 2014

6.The Correspondent,

Nadar Saraswathi Higher Secondary School,
Usilampatti, Madurai District.

: Respondents Nos.1 to 4 and 6 in all Miscellaneous Petitions

Prayer in C.M.P(MD)Nos.1299 to 1304 of 2017:- Petitions filed under Section 151 of the Code of Civil Procedure, to grant leave to file Review Application against the order dated 22.12.2016 made in W.A (MD).Nos.183, 184,185, 186, 187 and 188 of 2016, on the file of this Court.

PRAYER IN REVIEW APPLICATION [MD].(SR)Nos.3833, 3836, 3839, 3842, 3845 and 3848 of 2017:- Review Applications are filed under order 47, Rule 1 and 2 r/w 114 of C.P.C., 1908 as amendend against the order dated 22.12.2016 made in W.A(MD).Nos.183, 184,185, 186, 187 and 188 of 2016, on the file of this Court.



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For Petitioner
in all Miscellaneous Petitions : Mr.E.V.N.Siva
For Respondents 1 to 4
in all Miscellaneous Petitions : Mrs.S.Srimathy
For Respondent No.5 Special Government Pleader
in all Miscellaneous Petitions : Mr.M.Ajmal Khan
Senior Counsel
For M/s.Ajmal Associates
For Respondent No.6
in all Miscellaneous Petitions : Mr.V.Malaiyendran

COMMON ORDER

[Order of the Court was made by R.SUBBIAH, J.]

Seeking to grant Leave to file Review Applications against the Judgment dated 22.12.2016 made in W.A(MD).Nos.183, 184,185, 186, 187 and 188 of 2016, the petitioner herein, who is a third party to the writ proceedings, has come up with these Miscellaneous Petitions.

2. The writ petitioners earlier filed W.P.(MD).Nos.22514 to 22519 of 2015 challenging the order dated 14.08.2013 passed by the fourth respondent therein and for a consequential direction to the official respondents to approve the appointment of the writ petitioners. Pending disposal of the Writ Petitions, the writ petitioners filed Miscellaneous Petitions seeking temporary approval of appointment and release salary to them. By order dated 15.12.2015, a learned Single Judge of this Court, while disposing of the said Miscellaneous Petitions, directed the fourth respondent therein to give temporary approval to the writ petitioners, which was questioned by the official respondents by filing W.A(MD). Nos.183, 184,185, 186, 187 and 188 of 2016. By a Common Judgment dated 22.12.2016, the above Writ Appeals were dismissed. Under the above circumstances, the petitioner, who is a third party to the proceedings, is before this Court.

3. We have heard the learned counsel appearing on behalf of the petitioner, the learned Special Government Pleader appearing on behalf of the respondents 1 to 4, the learned counsel appearing for the respondents 5 and 6 and perused the available records carefully.

4. Before venturing into any discussion on the rival contentions, we have to necessarily state that what is sought in these Miscellaneous Petition is leave to file Review Applications against the Judgment dated 22.12.2016 made in W.A(MD).Nos.183, 184,185, 186, 187 and 188 of 2016. Admittedly, the Writ Petitions are pending and thus, in our considered view, the remedy open to the petitioner is to approach the Writ Court for appropriate direction. The present Miscellaneous Petitions are, therefore, dismissed, making it clear that it is for the petitioner to move the Writ Court to implead itself as a party respondent and seek appropriate remedy and it is for the learned Single Judge to consider the same and pass



appropriate orders. Consequently, Review Application [MD].(SR) Nos.3833, 3836, 3839, 3842, 3845 and 3848 of 2017 stand rejected. No costs.

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Sd/-

Assistant Registrar (CO)

Sub Assistant Registrar(CS)

To

- 1.The Secretary to Government,
School Education Department,
Secretariat, Chennai 9.
- 2.The Director of School Education,
Office of the Director of School Education Office,
College Road, Chennai.
- 3.The Chief Educational Officer,
Office of the Chief Educational Office,
Thallakulam, Madurai District.
- 4.The District Educational Officer,
Office of the District Educational Office,
Near Government Higher Secondary School,
Usilampatti, Madurai District.

+1cc to M/s.Special Government Pleader,SR.No. 42837

ORDER MADE IN
C.M.P. (MD) .Nos.1299 to 1304 of 2017
IN
REVIEW APPLICATION. [MD] . (SR) Nos.3833, 3836, 3839, 3842, 3845 and
3848 of 2017
23.01.2019

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KK/SAR/08.05.2019/ 4P- 6C