



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Rev.Aplc.(MD)No.78 of 2019

and

WMP(MD).No.15481 of 2019 in

WP(MD)No.2814 of 2019

WEB COPY

1. The Director of Elementary School Education,
D.P.I Campus, College Road,
Nungambakkam, Chennai - 600 006.
2. The Chief Educational Officer,
The Chief Educational Office,
Tuticorin, Tuticorin District.
3. The District Educational Officer,
Kovilpatti Educational District,
Kovilpatti, Tuticorin District.
4. The Block Educational Officer,
Pudhur Educational Block,
Pudhur, Tuticorin District.

... Review Applicants/Appellants

Vs.

K.Vengadesh
Secondary Grade Teacher
Panchayat Union Middle School,
Kelakaranthai Pudhur Union,
Tuticorin District.

... Respondent/Respondent

Prayer: Review Application filed under Order XLVII Rule 1 of C.P.C., against the order passed in W.P.(MD).No.2814 of 2019 dated 22.02.2019.

Prayer in WP(MD). 2814/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Mandamus, directing the respondents 1 to 3, to promote the petitioners herein to the post of BT Assistant Teacher, (Science) in the forthcoming vacancy at Panchayat Union Middle School at Kelakaranthai in Pudhur Union, Tuticorin Dist by considering the representation of the petitioner dated 18.01.2019.

For Review
Appellants

: Mrs.S.Srimathy,
Special Government Pleader

For Respondent

: Mr.M.Thirunavukkarasu



ORDER

The present Review Application has been filed to review the order passed in W.P.(MD).No.2814 of 2019 dated 22.02.2019.

2. Review applicants are the respondents and the respondent herein is the writ petitioner.

3. It is the case of the respondent /writ petitioner that he is working as a Secondary Grade Teacher in the Panchayat Union Middle School at Kelakaranthai in Pudhur Union, Thoothukudi District. According to him, as per seniority in the panel for promotion to the post of BT Assistant, he is eligible for promotion to the post of BT Assistant, Science. However, the second review applicant/respondent, by proceedings, dated 21.01.2019, informed that his promotion will be considered on the basis of the vacancy available, after preparing the seniority list as on 01.01.2019, but the same was not considered. Hence, the respondent/writ petitioner sent a representation dated 18.01.2019, which was also not been considered by the review applicants/respondents. Hence, the respondent/writ petitioner was constrained to approach this Court by way of filing WP.(MD).No.2814 of 2019.

4. This Court, by order dated 22.02.2019 in W.P(MD).No.2814 of 2019, passed the following order:

"5. The fourth respondent filed a counter affidavit, the relevant portion of which reads as follows:

"6. ...However, a BT Assistant Teacher (Science) would be held vacant (P.Sekar Retd.Vacant) on 01.03.2019 in the Panchayat Union Middle School, Keelakkaranthai Pudhur Union and these respondents ready to consider the petitioner's name to the above ready to consider the petitioner's name to the above said post in accordance with law and regulations in force."

6. Recording the above statement made in the counter affidavit, this writ petition is disposed of, directing the respondents to consider the case of the petitioner, as and when such vacancy arises. No costs."

5. Aggrieved over the same, the present review application has been filed.

6. Heard the learned Counsel for the parties and perused the materials available on record, more particularly, the order sought to be reviewed herein.

7. Today, when the matter is taken up for hearing, the learned Special Government Pleader appearing for the review



applicants/respondents, on instructions, would submit that the promotion has been granted to the respondent/writ petitioner and hence, nothing survives for further adjudication in the present review application.

8. Recording the said statement, this review application stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

pkn

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate / litigant concerned.

To

1. The Director of Elementary School Education,
D.P.I Campus, College Road,
Nungambakkam, Chennai - 600 006.
2. The Chief Educational Officer,
The Chief Educational Office,
Tuticorin, Tuticorin District.
3. The District Educational Officer,
Kovilpatti Educational District,
Kovilpatti, Tuticorin District.
4. The Block Educational Officer,
Pudhur Educational Block,
Pudhur, Tuticorin District.

Rev.Aplc(MD)No.78 of 2019
26.11.2020

SR(CO)
CS(07.12.2020) 3P 5C