



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.09.2020

CORAM :

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THE HONOURABLE MRS. JUSTICE J. NISHA BANU

REV. APLW. (MD) No.27 of 2020

and

W.M.P. (MD) .Nos.8949 and 8951 of 2020

in

W.P. (MD) .No.3073 of 2020

K.Dinesh Babu

.. Petitioner/Petitioner

Vs.

1.The Tamil Nadu Uniformed Services

Recruitment Board,
rep. by its Chairman,
Having Office at
Old Commissioner of Police Office Campus,
Pantheon Road,
Egmore,
Chennai - 600 008.

2.The Member Secretary,

The Tamil Nadu Uniformed Services
Recruitment Board,
Old Commissioner of Police Office Campus,
Pantheon Road,
Egmore,
Chennai - 600 008.

3.The Chairman,

Sub Committee,
Tamil Nadu Uniformed Services Recruitment
Board, Virudhunagar Centre,
Virudhunagar.

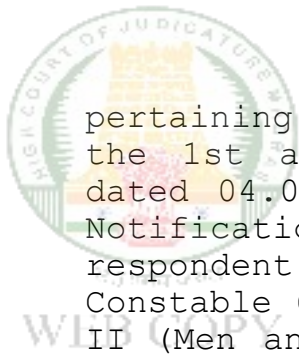
.. Respondents/Respondents

PRAYER : Review Application filed under Order 47 r/w 114 of the Civil Procedure Code, against the order dated 18.03.2020 passed in W.P.(MD)No.3073 of 2020 on the file of this Court.

Prayer in WP(MD). 3073/ 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Calling for the records

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pertaining to the Impugned Provisional Selection List published in the 1st and 2nd respondents Website in RC No.850/R2/TNUSRB/2019 dated 04.02.2020 in respect of the selection process based on the Notification No.01/TNUSRB/2019 dated 06.03.2019 issued by the 2nd respondent calling for the applications for the Post of Police Constable Grade-II (Men, Women and Transgender) Jail Warders Grade-II (Men and Women) and Fireman 2019 and quash the same as illegal and consequently direct the 1st and 2nd respondents to appoint the Petitioner as a Post of Grade-II Police Constable, Jail Warder Grade II by adding the Special Marks for having studied in Tamil Medium upto 10th Standard.

For petitioner : No appearance

For respondents: Mr.K.Chellapandian
Additional Advocate General

ORDER

This review application has been filed by the petitioner in the writ petition as against the dismissal order, dated 18.03.2020, passed by this Court in W.P. (MD).No.3073 of 2020.

2. When the matter came up for hearing on 08.09.2020, learned counsel for the petitioner submitted that the petitioner has filed the writ petition challenging the provisional selection list and to appoint him by adding special marks for studying upto 10th standard in Tamil Medium. Instead producing the records for selection of candidates for the post of Grade-II Police Constable, Jail Warder Grade - II by adding the special marks for having studied in Tamil Medium upto 10th standard, the learned Additional Advocate General submitted that the petitioner does not come within the zone of consideration. By recording the said submission of the learned Additional Advocate General, this Court, by order dated 18.03.2020, dismissed the writ petition. This Court ought not to have dismissed the writ petition without verification of the selection of General Candidates List and Tamil Medium studies candidates and therefore, the order passed in the writ petition must be reviewed.

3. Today, there is no representation on the side of the petitioner. The learned Additional Advocate General appearing for the respondents submitted that in paragraph No.6 of the counter affidavit filed by the 2nd respondent, it has been specifically stated as follows:

"6. It is submitted that the petitioner secured 53 marks in written test, 15 marks in physical efficiency test and in total he secured 68 marks.

<https://hcservices.ecourts.gov.in/hcservices/> complying with the roster system of Government, by



following the communal rotation, the petitioner has failed to secure the required marks to be fitted within the roster system either under Firemen or TSP or Jail Warder. Falling behind the last candidate who got selected under MBC/DNC General PSTM category has secured 69 marks and is ranked 5122 as per communal rotation system, the petitioner Tr.K.Diesh Babu whose ranking is 6072 securing 68 marks, was not provisionally selected for want of vacancy."

It has not been controverted by the petitioner by producing any document. Therefore, relying on the same, this Court dismissed the writ petition. The grounds raised by the petitioner can be taken into account only in the appeal and not in the review petition and therefore, this petition may be dismissed.

4. Under Order 47 Rule 1 of C.P.C., a judgment may be open to review only if there is an error or a mistake apparent on the face of the record. If there is an error, which has to be detected by a process of reasoning, the same cannot be said to be an error apparent on the face of the record, warranting the Court to exercise its power of review under Order 47 Rule 1 C.P.C. Further, it is a settled principle that under Order 47 Rule 1 of C.P.C., it is not permissible for an erroneous decision to be reheard and corrected, as a review petition cannot be treated as an appeal in disguise.

5. In the present case, the learned counsel appearing for the petitioner did not point out any error apparent on the face of the order. He requested this Court only to reconsider the matter, which cannot be done in the review. In view of the above, this Court is inclined to dismiss this review application.

6. In view of the above, this Review Application is dismissed. No costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)



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