

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2021

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

Review Application No.44 of 2020

The Member Secretary,
Tamil Nadu Forest Uniformed Services,
Recruitment Committee, 8th Down Floor,
Panagal Maaligai, Saidapet,
Chennai 600 015.

... Applicant

Thiru.M.Susil kumar

Vs.

... Respondent

Prayer : Review Application filed under Order XLVII Rule 1 r/w Sec.114 of C.P.C, to review the order dated 12.04.2019 passed by the Hon'ble Mr.Justice S.M.Subramaniam, made in W.P.No.9341 of 2019 on the file of this Court.

For Applicant : Mr.M.Elumalai, AGP

For Respondent : Mr.T.Sellapandian

ORDER

This review application has been filed to review the order dated 12.04.2019 made in W.P.No.9341 of 2019 on the file of this Court.

2. Perusal of the grounds set out in the memorandum of grounds reveals that the petitioner has made an attempt to re-adjudicate the merits already considered by this Court in its order dated 12.04.2019. This Court considered the facts as well as the merits of the case and issued a direction to select the respondent Mr.M.Susilkumar for appointment to the post of Forest Guard and issue appointment order.

3. The learned Additional Government Pleader appearing for the petitioner made a submission that pursuant to the order passed by this Court, the certificate submitted by the respondent candidate was sent for verification and they have not received any information from the authority.

4. The learned counsel for the respondent objected the said contention by stating that many candidates who have submitted the

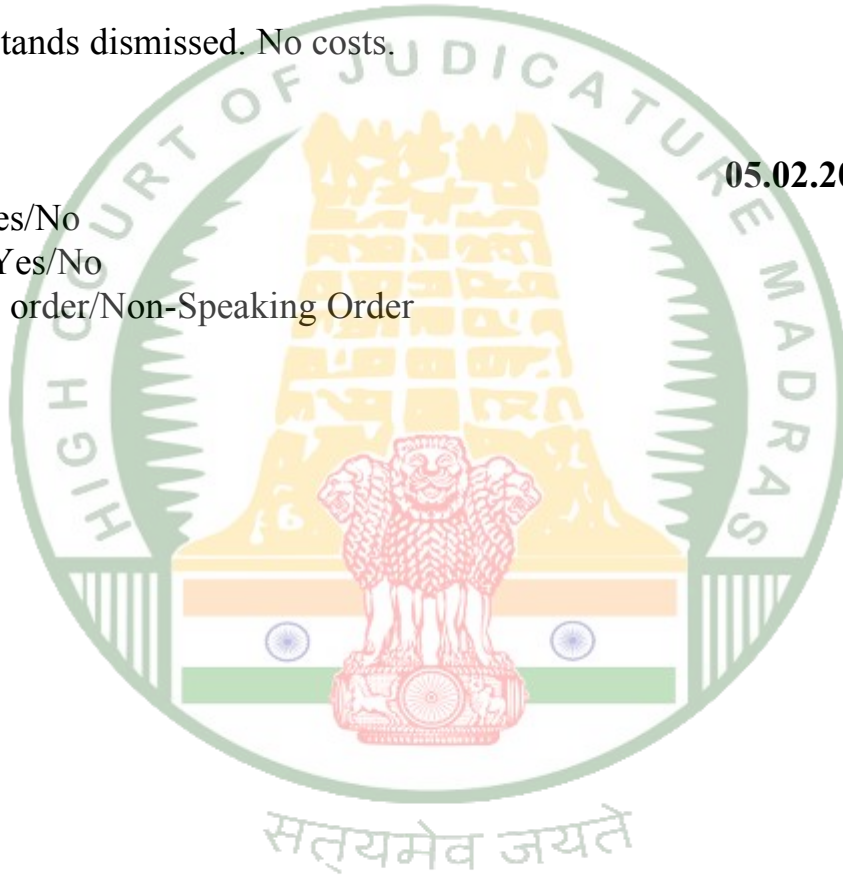
similar certificates obtained from the same Institution, were already appointed and working. When the certificates obtained from the very same Institution were accepted by the petitioner Department, there is no other reason to send the certificate of the respondent alone for verification. Thus, the petitioner is taking a different view in order to dilute the orders passed by this Court and further, the review petition need not be entertained in view of the fact that the merits raised by the petitioner were already adjudicated by this Court.

5. A review against the order shall be entertained if there is an error apparent on record. The scope of the review petition is undoubtedly limited. Only if the petitioner is able to establish that there is an error on the face of it or the factual matrix are adjudicated without reference to the actual facts, then alone the review petition may be entertained. The grounds raised in the review application may be the grounds for appeal and the review application cannot be filed with the grounds for appeal. However, such grounds cannot be entertained for the purpose of reviewing the order already passed by this Court in W.P.No.9341 of 2019 dated 12.04.2019 .

6. This being the factum, the review application is devoid of merits and the petitioner is not able to made out any acceptable grounds for the purpose of review and accordingly, the review application No.44 of 2020 stands dismissed. No costs.

05.02.2021

Index: Yes/No
Internet: Yes/No
Speaking order/Non-Speaking Order
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S.M.SUBRAMANIAM, J.

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