

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

Dated: 11.12.2020

Coram:

The Hon'ble Mr. Justice **M.S.RAMESH****Rev. Appl.Writ (MD) No.44 of 2020****in W.P. (MD) No.19817 of 2016**

WEB COPY

T.Peppin Appadurai

.. Petitioner

Vs.

1.The State of Tamil Nadu

rep. by the Secretary to State,
Department of School Education,
Secretariat, Fort St. George,
Chennai-600 009.

2.The Director of School Education,

College Road,
Chennai-600 009.

3.The Joint Director of School Education,

College Road, Chennai-600 009.

4.The Chief Educational Officer,

Tirunelveli District,
Tirunelveli.

5.The Head Master,

Government Higher Secondary School,
Vallioor & Post,
Tirunelveli District.

.. Respondents

Prayer: Review Petition filed under Clause 15 of the Letters Patent Act, to review the order dated 09.12.2019 in W.P.(MD) No.19817 of 2016.

Prayer in WP(MD). 19817 of 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus calling for this records in the impugned order proceeding No.Oo.Mu.No.12104/A5/15, dated 09.01.2016 passed by the 4th Respondent and quash the same and direct the Respondents No.1 to 4 to grant the continuity of the time scale of pay of the salary received by the petitioner as aided private school teacher, for the present post of Government School Teacher also, from 07.12.2010, with all arrears of salary and other benefits pertaining to such granting of pay.

For Petitioner

: Ms.A.Amala

For Respondent

: Mrs.Srimathi,

Nos.1 to 4

Additional Government Pleader

**ORDER**

Heard Ms.A.Amala, learned counsel for the petitioner and Mrs.Srimathi, learned Additional Government Pleader appearing on behalf of the respondents 1 to 4.

2. The petitioner herein claims that his past service in Aided School should be taken into account in the Government School Service account where he was directly recruited. However, this Court is of the view that there was no rule or regulation permitting such consideration of the past service in an Aided School to be taken into the account in a Government post. On this ground, final orders came to be passed in the Writ Petition in W.P.(MD) No.19817 of 2016 on 09.12.2019.

3. The petitioner herein has now filed the present Review Petition stating that they were not in a position to bring certain legal grounds to the notice of this Court with regard to the petitioner's entitlement to be considered of his past service in the Aided School. For such purpose, the learned counsel relied upon the Government Orders in G.O.Ms.367, Education, Science and Technology, dated 30.03.1984; G.O.Ms.1072, Personnel and Administrative Reforms (FR III), dated 31.10.1986 and G.O.Ms.1580, Education Department, dated 18.10.1969.

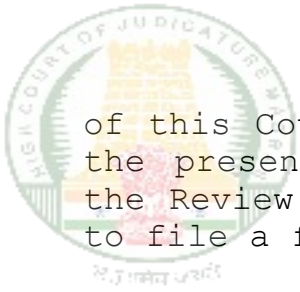
4. The scope of a Review Petition is very limited to the extent that any errors apparent on the face of the order, could be reviewed and that, reconsideration of the grounds involved in the Original Writ Petition, is impermissible. The present ground raised in the present Review Petition amounts to reconsidering the entire grounds raised in the Writ Petition, which can be done only by way of an appeal and not through a review.

5. It is the apprehension of the petitioner that even if an appeal is filed, there is a possibility that the matter may be remanded back for filing of a review since the petitioner had failed to raise certain grounds, when the original order in the Writ Petition was passed. This Court cannot forecast the outcome of an appeal against the order dated 09.12.2019.

6. Nevertheless, when the petitioner is of the view that there are substantial grounds to establish their case, which they had omitted to raise and thereby substantiate that the past service in Aided school should be taken into account for a Government post, the ends of justice could be secured if the petitioner is granted liberty to file a fresh Writ Petition. The reason for granting such a liberty is also to extend an opportunity to the respondents to put forth their objections to the various grounds that could be raised in the Writ Petition.

<https://hcservices.ecourts.gov.in/hcservices/>

7. Since there are no errors apparent on the face of the orders



of this Court passed in W.P.(MD) No.19817 of 2016 dated 09.12.2019, the present Review Petition does not require consideration. Hence the Review Petition stands dismissed with liberty to the petitioner to file a fresh Writ Petition. No costs.

Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

DP

To

- 1.The Secretary to State,
State of Tamil Nadu,
Department of School Education,
Secretariat, Fort St. George,
Chennai-600 009.
- 2.The Director of School Education,
College Road,
Chennai-600 009.
- 3.The Joint Director of School Education,
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- 4.The Chief Educational Officer,
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- 5.The Head Master,
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+1 cc to M/s.A.AMALA, Advocate, SR No.25331

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ss (CO)

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