



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.06.2021

CORAM :

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

Review Application Writ(MD)No.32 of 2021

and W.M.P.(MD) No.8171 of 2021

in W.P.(MD) No.1569 of 2015

- 1.The State of Tamil Nadu
rep by its Secretary,
Department of School Education,
Fort St. George,
Chennai.
- 2.The Director of School Education,
College Road,
Chennai - 600006.
- 3.The Chief Educational Officer
Madurai,
Madurai District.
- 4.The District Educational Officer,
Madurai,
Madurai District.

...Review Petitioners / Respondents

Vs.

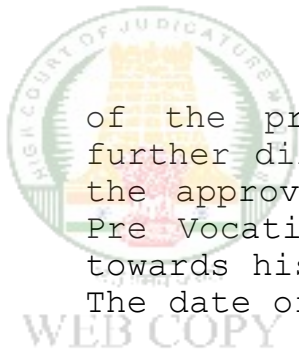
The Correspondent
St. Britto Higher Secondary School
Gnanaolivpuram,
Madurai,
Madurai district

... Respondent / Writ Petitioner

PRAYER : Review Petition filed under Order 47 Rule 1 & 2 read with Section 114 of the Civil Procedure Code to review the order dated 20.02.2018, passed in W.P.(MD).No.1569 of 2015.

Prayer in WP(MD). 1569/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorarified Mandamus calling for the records relating to the impugned government order issued by the 1st respondent State Government in G.O.Ms.No.104 (School Education (D-1) dated 12.7.2002 and G.O.Ms.No.39 (School Educaion D1) Department) dated 21.3.2003 and the consequential proceeding issued by the 4th respondent DEO in U.Mu.No. 4690/Aa5/2014 dated 30.7.2014 refusing approval to the appointment



of the pre vocational Instructor (Drawing) quash the same and further direct the 4th respondent DEO to give approval forthwith to the approval forthwith to the appointment of A. Jebamalai Raj as Pre Vocational Instructor (Drawing) and disburse the grant-in-aid towards his salary and allowances with all attendant benefits w.e.f. The date of his appointment i.e. 26.03.2014.

For Petitioners : Mr.A.K.Manickam,
Standing Counsel for Government

For Respondent : Mr.Ragatheesh Kumar,
for M/s.Issaac Chamber

O R D E R

(Order of the Court was made by T.S.SIVAGNANAM, J.)

We have heard Mr.A.K.Manickam, learned Standing Counsel for Government appearing for the review petitioners/ respondents and Mr.Ragatheesh Kumar, learned Counsel representing M/s.Issaac Chamber, appearing for the respondent/writ petitioner.

2.This Review Application has been filed by the State to review the order and direction issued in W.P.(MD).No.1569 of 2015, dated 20.02.2018, filed by the respondent/Institution.

3.The prayer sought for in the writ petition was to quash the Government Order in G.O.Ms.No.104 (School Education (D1), Department), dated 12.07.2002 and G.O.Ms.No.39 (School Education (D1), Department), dated 21.03.2003 and the consequential proceedings of the fourth review petitioner, dated 30.07.2014, refusing approval of the appointment of three Vocational Instructors (Drawing) and further to direct the fourth review petitioner to give approval to the appointment of A.Jebamalai Raj, in the said post and this was grant in aid towards the salary and allowances with all attendant benefits from the date of his appointment i.e., 26.03.2014.

4.The writ petition was allowed taking note of the judgment in the case of ***The State of Tamil Nadu and Others Vs. Bella Fernando and another*** made in W.A. (MD) No.421 of 2017, dated 19.04.2017.

5.In an identical case pertaining to the RC Middle School, Mittadharkulam, Radhapuram Taluk, Tirunelveli District, a similar relief was sought for in W.P.(MD) No.13462 of 2017 and the same was granted by order, dated 20.03.2018, against which, the Education Department filed a Review Application in Rev.Aplc.(MD) No.7 of 2019, which was heard along with other connected Rev.Aplc.(MD) Nos.9 to 12 of 2019 and by order, dated 04.01.2019, the review application was dismissed. In the said order, the order passed in the present writ petition namely, W.P.(MD) No.1569 of 2015 was also referred to.



6. Furthermore, we find that the petitioners are not able to point out any error, which is apparent on the face of the order and the present attempt of the department, to reargue the matter, is impermissible. Therefore, we find no grounds whatsoever to entertain this review application.

7. Accordingly, the Review Application is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

rm

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 State of Tamil Nadu
rep by its Secretary,
Department of School Education,
Fort St. George,
Chennai.
2. The Director of School Education,
College Road,
Chennai - 600006.
3. The Chief Educational Officer
Madurai,
Madurai District.
4. The District Educational Officer,
Madurai, Madurai District.

Review Application Writ(MD)No.32 of 2021

16.06.2021

KUN(CO)

TR(09.07.2021) 3P 5C