



CMP.No.8365 of 2022
in REV.APPL.SR.No.42451 of 2022

R.MAHADEVAN, J.
AND
J.SATHYA NARAYANA PRASAD, J.

(Order of the court was made by R.Mahadevan, J.)

This petition is filed by the petitioner / third party seeking to grant leave to file a review petition against the order dated 06.01.2022 passed in WA.No.1656 of 2016.

2. It is submitted by the learned counsel appearing for the petitioner that the petitioner is a third party to the aforesaid writ appeal. He has filed a writ petition in WP.No.3865 of 2021 seeking to quash the recruitment notification dated 04.01.2021 and for a consequential direction to issue a fresh notification as per law. It is further stated that the said writ petition was based on the well-established principle that each department should be taken as a single unit for the purpose of reservation; and when the same was taken up on 08.04.2022, the fourth respondent therein relied on the order dated 06.01.2022 in WA.No.1656 of 2016, which had distinguished the existing position of law on a wrong notion that Rule 11(1) of the Tamil Nadu Private Colleges (Regulation) Rules, 1976 as well as the letter of the Secretary to Government, Higher Education (H1) Department dated 19.04.2002 stipulate that in respect of private colleges, the college is to be taken as one unit for



the purpose of reservation as against the established principle that each department is to be taken as a single unit for applying the rule of reservation. The said writ petition is pending. Thus, according to the learned counsel, at the time of hearing the appeal in WA.No.1656 of 2016, the parties to the proceedings have not brought the correct position of law and relevant facts to the notice of this court. Hence, the petitioner may be permitted to appraise the same for reconsideration and reviewing the order dated 06.01.2022 passed in the writ appeal.

3. Mr.C.Kathiravan, learned Special Government Pleader, takes notice for the first respondent, Dr.Gowri, learned counsel, takes notice for the second respondent and Mr.P.Ganesan, learned counsel, takes notice for the third respondent have not raised serious objections for ordering this petition.

4. Considering the reasons stated in the affidavit filed in support of this petition and being satisfied with the same, this Court is inclined to grant leave as sought for herein. This petition is accordingly, ordered.

[R.M.D.,J.] [J.S.P.N., J.]
15.12.2022

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