



Review Application Writ (MD).No.90 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.12.2022

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

Review Application Writ (MD).No.90 of 2022

and

W.M.P.(MD).No.19868 of 2022

against

W.P.(MD).No.17829 of 2014

Teachers Recruitment Board,
Represented by its Member Secretary,
4th Floor, EVK Sampath Maaligai,
DPI Compound, College Road,
Chennai – 600 006.

... Petitioner/3rd Respondent

Vs.

1.C.Jeevitha

2.The State of Tamil Nadu,
Represented by the Principal Secretary to Government,
Elementary Education Department,
St.George Fort, Chennai – 9.

3.The Director of Elementary Education,
Chennai – 600 006.

4.The Commissioner/Director,
Most Backward & De-notified Communities Welfare,
Chennai – 600 005.



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5.The Joint Director,
Kallar Reclamation,
Madurai – 20.

6.M.Vanitha

... Respondents 2, 3, 4, 5, 6/1, 2, 4, 5, 6

Prayer: Review Petition filed under Order 47 Rule 1 Section 114 of Code of Civil Procedure, praying this Court to review the orders dated 17.03.2022 made in W.P.(MD).No.17829 of 2014 on the file of this Court.

For Petitioner : Mr.V.R.Shanmuganathan

For R-1 : Mr.T.Lajapathi Roy

For R-2 to R-5 : Mr.D.Sadiq Raja,
Additional Government Pleader.

ORDER

This Review Petition is filed against the order dated 17.03.2022 passed in W.P.(MD).No.17829 of 2014.

2. The ground that is raised in the Review Application is that the writ petitioner Jeevitha has obtained two orders on 09.10.2020 and 17.03.2022. Both are contradictory to each other. The contention of the review petitioner is that the order dated 09.10.2020 was received by the Review applicant. However, the subsequent order was not received by them.



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3. This Court after scrutinizing two orders, it is seen that the Hon'ble Court has recalled the earlier order dated 09.10.2020. Therefore, the order that is subsisting is the order dated 17.03.2022. Hence, the ground raised under 4 is answered as above.

4. The review applicant has raised two more grounds, where the applicant states since the said Jeevitha and Uthayarani have not participated in the clarification camp, therefore they can only be considered whether they are eligible, if otherwise, they cannot be granted relief. The positive direction granted by this Court is questioned in this ground. But this positive direction was granted based on the available vacancy that is not filled up in the said recruitment process.

5. The contention of TRB is that, the Department of Elementary Education and Commissioner Most Backward and the Denotifying Communities Welfare has not submitted any report regarding the vacancies, which are available because of non-joining of the candidates. In such circumstances, the TRB has come out with this Review Application, since such



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report was not submitted by the recruiting Department. This Court is of the considered opinion that the candidate Uthaya Rani, who had filed the Writ Petition in W.P.(MD).No.17454 of 2014 has submitted the details of vacancy. The said vacancy details was obtained as reply under Right to Information Act, wherein, it is clearly stated that vacancy is available and the availability of vacancies are due to non-joining of the candidates. Therefore, this Court directs other respondents namely, 2, 3, 4 and 5 to submit a report within a period of two (2) weeks to TRB indicating the vacancies due to non-joining of candidates. Thereafter, the TRB is directed to select the said Jeevitha and submit a selection list to the appointing authorities within a period of two (2) weeks thereafter.

6. With the above direction, this Review Application is disposed of as stated above. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

20.12.2022

Index : Yes / No
Internet : Yes/ No
Nsr



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To

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St. George Fort, Chennai – 9.
2. The Director of Elementary Education,
Chennai – 600 006.
3. The Commissioner/Director,
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S.SRIMATHY, J.

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