



Review Application No.218 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 19.04.2023

PRONOUNCED ON : 25.05.2023

**THE HONOURABLE MR. S.VAIDYANATHAN,
ACTING CHIEF JUSTICE**

AND

THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN

REVIEW APPLICATION No.218 OF 2022

V.Kalaiappan

... Review Petitioner

vs.

1. The University of Madras,
represented by its Registrar,
Chennai 600 005.
2. Dr.S.Bhaskaran,
Technical Officer,
Madras University Library,
Chennai.
3. P.Dhanasekaran
4. University Grants Commission,
rep. by its Chairman,
Bahadur Shah Zafar Marg,
New Delhi – 110 002.

... Respondents

Review Application filed under Order 47 Rule 1 read with Section 114 of the Code of Civil Procedure seeking to review the order dated 23.12.2021 passed by this Court in W.A.No.2271 of 2018.



Review Application No.218 of 2022

WEB COPY

For Review Petitioner : Mr.M.Ganesh

For 1st Respondent : Mr.A.S.Vijayaragavan

For 3rd Respondent : Mr.A.E.Chelliah,
Senior Counsel
for M/s.R.Prathaban

For 4th Respondent : Mr.P.R.Gopinathan

ORDER

S.VAIDYANATHAN, A.C.,J.

This Review Application is filed seeking to review the judgment dated 23.12.2021 passed in W.A.No.2271 of 2018 insofar as the Review Petitioner herein viz. V.Kalaiappan alone is concerned. Relevant portion of the judgment passed in the said Writ Appeal reads thus:

“16. this Writ Appeal is allowed and the order of the learned Single Judge dated 23.10.2017 made in W.P.No.8610 of 2017 is hereby set aside. For the sake of repetition, it is made clear that the Writ Petitioner, R2 and R3 are not entitled to promotion to the post of Assistant Librarian, unless they succeed to such status in the manner prescribed by the UGC. Since the University of Madras has not clandestinely filed any Appeal, this Court cannot pass any specific order against M.Veerapandi and Selvi regarding their dis-entitlement to the post of Assistant Librarian and it is for the University to decide with regard to filing of an Appeal and bringing of this judgment to the notice of the Court hearing



the Appeal. ...”

2. In the Writ Appeal, learned Senior Counsel who appeared for V.Kalaiappan, represented that the Writ Petitioner viz. Dr.S.Bhaskaran was not qualified for promotion in 2012 and every time, he was blocking the promotion of others. Based on the representation made by Kalaiappan and after ascertaining the qualification, he was called for interview by the Selection Committee and thereafter, he was appointed as Assistant Librarian. He had come out successful in the NET examination as early as in 1999, whereas, the Writ Petitioner cleared his NET examination only in 2012. It was further argued by the learned Senior Counsel for Kalaiappan in the Writ Appeal that Kalaiappan is senior to the Writ Petitioner and he acquired necessary qualification for promotion much prior to the Writ Petitioner.

3. When this Review Application was taken up for hearing, learned counsel for the Review Petitioner/Kalaiappan drew the attention of this Court to the appointment order dated 04.04.2013 issued to Kalaiappan, and submitted that the said Kalaiappan attended the interview for the post of Assistant Librarian and was duly selected and appointed to the said post and that, he was not promoted to the said post. However, be it noted, the said fact was not brought to the attention of this Court at the



Review Application No.218 of 2022

time of hearing the Writ Appeal.

WEB COPY

4. Learned counsel appearing for the 1st Respondent/Madras University fairly submitted that by virtue of the appointment order dated 04.04.2013, the Review Petitioner/Kalaiappan is entitled to the post of Assistant Librarian.

5. In view of the foregoing discussion, more so, the fact that this Bench was not apprised of the factum of Kalaiappan having subjected himself to due selection process, the order dated 23.12.2021 passed in W.A.No.2271 of 2018 insofar as Kalaiappan is concerned, is reviewed and he is entitled to be posted as Assistant Librarian and it is made clear that he cannot be reverted to a post lower than the one to which he was appointed.

In the upshot, **this Review Application is allowed.** No costs.

(S.V.N., A.C.J.) (A.A.N.,J.)
25.05.2023

Index : Yes/No
Speaking Order : Yes/No

(aeb)



Review Application No.218 of 2022

**S.VAIDYANATHAN, A.C.J.,
AND
A.A.NAKKIRAN,J.**

(aeb)

Pre-delivery order in

Review Application No.218 of 2022

25.05.2023