



REV.APLC(MD).No.106 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 10.10.2023

CORAM

**THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN**

REV.APLC(MD).No.106 of 2014

S.Subbulakshmi

..Review Petitioner/3rd Respondent/
3rd Respondent

Vs.

1.K.Soundara Rajan,
Educational Agency of Saraswathi Primary School,
Muthusamy Puram,
Mugavoor,
Rajapalayam Taluk,
Virudhunagar District.

..1st Respondent/Appellant/
Writ Petitioner

2.The District Elementary Educational Officer,
Virudhunagar.

3.The Assistant Elementary Educational Officer,
Rajapalayam,
Virudhunagar District.

..Respondents/Respondents/
Respondents

PRAYER: Review Application is filed under Order 47 Rule 1 and 2 r/w Section 114 of the Code of Civil Procedure, praying to review the order passed in W.A.(MD).No.1243 of 2013 and dismiss the Writ Appeal.



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For Petitioner : Mr.Pon Ramkumar
For R-1 : Mr.E.V.N.Siva
For R-2 & R-3, : Mr.D.Sadiq Raja
Additional Government Pleader

ORDER

(Order of the Court was made by S.M.SUBRAMANIAM,J.)

The order dated 04.04.2014 passed in W.A.(MD).No.1243 of 2013 is sought to be reviewed in the present Review Application, mainly on the ground that the first respondent is an incompetent authority and failed to note that there is a finding already made in favour of the first respondent in various litigations filed by the rival groups.

2. Perusal of the grounds set out in the Review Application reveals that the review petitioner has made an attempt to re-adjudicate the issues on merits, which were already considered by this Court in W.A.(MD).No.1243 of 2013. The scope of review petition cannot be expanded for the purpose of re-adjudication of the issues on merits. Only in the event of establishing an error apparent on record, a Review Application is entertainable and the



grounds for the appeal cannot be considered as valid grounds for the purpose of reviewing the order passed by the Courts.

3. The Hon'ble Division Bench of this Court considered the issues raised between the parties and held as follows:

“6. The fact that the appellant has now been recognized as the educational agency is not in dispute. The only dispute that remains now between the appellant and the third respondent is about Secretaryship. The third respondent has not perused her remedies against the recognition of the appellant, as the educational agency. She has raised a dispute only with regard to Secretaryship now. Therefore, the question of the appellant going to Civil Court for a settlement of the dispute does not arise. Be it a question of recognition of the educational agency or the approval of a person as Secretary, the parties will have to go only before the respondents 1 and 2 in terms of the provisions of the statute. Therefore, to this extent, the order of the learned Judge cannot be sustained.

7. In view of the above, this Writ Appeal is allowed and the order passed in the Writ Petition is set aside and the Writ Petition is allowed. The respondents 1 and 2 shall pass orders for shifting the School, after considering the suitability of the new location, within a period of eight weeks.



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*Consequently, the connected miscellaneous petition is closed.
No costs."*

4. Since this Court has already considered the merits of the issues raised between the parties and the review petitioner was not able to point out any error apparent on record and this Court passed an order stating that the respondents 1 and 2 in the Writ Appeal shall pass orders for shifting the school, after considering the suitability of new location, within a period of eight weeks, there is no other reason whatsoever to interfere with the said order passed. There is no impediment for the authorities to comply with the orders of this Court dated 04.04.2014 passed in W.A.(MD).No.1243 of 2013.

5. Accordingly, the Review Application stands dismissed. There shall be no order as to costs.

**(S.M.S.,J.) (V.L.N.,J.)
10.10.2023**

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm



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