



**Rev.Aplw.(MD).No.12 of 2014**

**WEB COPY** BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

**DATED: 05.01.2023**

**CORAM**

**THE HON'BLE MR.JUSTICE K.KUMARESH BABU**

**REV.APLW(MD)No.12 of 2014**

**and**

**M.P(MD) No.1 of 2014**

Kanagamani  
W/o. Mookandi  
The Secretary,  
The School Committee,  
KT.Kosalram High School,  
Muthiahpuram,  
Thoothukudi.

..... Petitioner/2<sup>nd</sup> Respondent

- Vs-

1. S.V.Kathiresan

.... 1<sup>st</sup> Respondent /Writ Petitioner

2. The Joint Director of School Education,  
School Education Department,  
DPI Complex, College Salai,  
Nungambakkam,  
Chennai – 600 006.

... 2<sup>nd</sup> Respondent/ 1<sup>st</sup> Respondent

**PRAYER :** Review Petition filed under Section 47 Rule 1 and 2 and Section 114 of CPC, praying this Court to review the order dated 27.01.2014 passed in W.P(MD) No.1368 of 2014.



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For Petitioner : Mr.S.Xavier Rajini  
For Respondents : Mr.G.Prabhu Rajadurai (for – R1)  
: Mr.A Baskaran  
Additional Government Pleader  
(For - R2)

### **ORDER**

The present Review Petition has been filed seeking to review the order passed by this Court in W.P.(MD) No.1368 of 2014 dated 27.01.2014.

2.The ground raised in this review petition is that the petitioner herein was not served with notice in the writ petition and also on the ground that the first respondent, who was the petitioner in the writ petition, had no *locus standi* to seek the relief as prayed for in his representations.

3.The writ petition has been filed seeking for issuance of a Mandamus to direct the respondents therein to recognize the change in the constitution of the educational agency from one P.V.Muthiah to the first respondent herein, in view of the death of the said P.V.Muthiah, by considering the



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representation dated 28.10.2013. When the said writ petition was taken up on 27.01.2014, this Court had passed the following order:-

*“4.Taking note of the fact that the representation made by the petitioner, dated 28.10.2013 is pending with the first respondent, the first respondent is directed to consider the representation of the petitioner dated 28.10.2013 on merits and in accordance with law and pass appropriate orders, within a period of eight weeks from the date of receipt of a copy of this order.”*

4.The case of the first respondent in the writ petition is that he is the son of the said P.V.Muthiah and on his death, the first respondent was not allowed to enter into the school and the petitioner herein was appointed as Secretary. Therefore, he had made a representation to the second respondent herein to treat him as a Secretary of the school committee and to remove the petitioner herein.

5.This Court, without going into the merits of the averments made in the affidavit filed in support of the writ petition, had issued directions to the second respondent herein to consider the representation of the petitioner therein dated 28.10.2013 within a period of 8 weeks from the date of receipt



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of a copy of the said order. When the petitioner herein had come to the knowledge of such a proceeding, she had moved this Court with this instant Review Petition.

6.The very same Judge on considering that the first respondent herein was not a member of the school committee had suspended the order passed in the writ petition dated 27.01.2014. Subsequent to the filing of the Review Petition, the petitioner herein was also appointed as a Secretary for the succeeding period, namely 2015 to 2018. The petitioner had originally challenged the said appointment in W.P.(MD) No.17257 of 2015. However, he had withdrawn the same.

7.The representation made by the first respondent relates to the period from 2012 to 2015. The relief sought for by the petitioner under his representation dated 28.10.2013 is for the period from 2012 to 2015. Hence, the relief would have now become infructuous. The first respondent, who had challenged the subsequent appointment, has withdrawn the same and the order passed in the writ petition has also been suspended. Hence, the second respondent would not have processed the representation of the



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petitioner. Since the period is already over, there is no question of now directing the second respondent to dispose of the representation of the first respondent dated 28.10.2013. In my view, the relief claimed by the first respondent in the writ petition had now become infructuous. Hence, the order passed in W.P.(MD) No.1368 of 2014 dated 27.01.2014 is recalled and this Review Petition is allowed accordingly. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

**05.01.2023**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes / No  
ebsi/mm

To

The Joint Director of School Education,  
School Education Department,  
DPI Complex, College Salai,  
Nungambakkam,  
Chennai – 600 006.



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**K.KUMARESH BABU, J.**

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Order made in  
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