



*REV.APPL.Nos.221 & 222 of 2015
against WA.No.860 & 861 of 2014*

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2024

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THE HONOURABLE Mr.JUSTICE **S.M.SUBRAMANIAM**

AND

THE HONOURABLE Mr.JUSTICE **C.KUMARAPPAN**

REV.APPL.Nos.221 & 222 of 2015

against

WA.No.860 & 861 of 2014

The Government of Tamil Nadu
Represented by its Principal Secretary,
Personnel and Administrative Reforms Department,
Fort St. George, Chennai-600 009.

... Petitioner in both Review Appls.

Vs.

V.K.Baskar

... Respondent in Rev.Appl.No.221/2015

N.Manoharan

... Respondent in Rev.Appl.No.222/2015

Review Applications filed under Order 47 Rule 1 r/w Section 114
praying to review the common order of the Division Bench of this Hon'ble
Court dated 25.07.2014 made in WA.Nos.860 & 861 of 2014.



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For Petitioner : Mr.R.Neelakandan
in both Rev.Applns. Additional Advocate General
Assisted by Mr.S.John J.Raja Singh
Additional Government Pleader
For Respondents : Mr.V.R.Rajasekaran
in Rev.Appl.221/2015
For Respondents : Mr.K.Raja
in Rev.Appl.222/2015

COMMON JUDGMENT

[Judgment of the Court was delivered by **S.M.SUBRAMANIAM, J.**]

The Review Applications are filed by the State mainly on the ground that the Service Rules as applicable for promotion to the post of Section Officer in Secretariat has not been considered by the learned Single Judge and the Division Bench, while confirming the order passed by the learned Single Judge.

2. The writ order was passed setting aside the decision taken by the Government in G.O.(4D) No.49, P & A.R.Department dated 29.09.2011 and the matter was remanded back to the Government for fresh consideration and to pass orders on merits and in accordance with law. The said order of remand was taken by way of Appeals in WA.Nos.860 & 861 of 2014. The



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WEB COPY Division Bench confirmed the writ order dated 04.04.2014. SLP.(C)

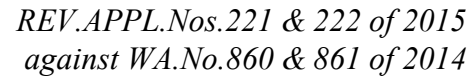
Nos.28282 and 28291 of 2014 filed was disposed by the Apex Court with a liberty to file a Review Petition.

3. The State not satisfied with the Division Bench order preferred the present Review Applications.

4. The scope of Review Application under Order 47 Rule 1 of CPC cannot be expanded for readjudication of merits. The grounds for appeal cannot be considered as valid to review the order passed by the Courts. In a Review petition, Courts cannot reappreciate the merits already considered in the order sought to be reviewed.

5. The learned Additional Advocate General Mr.R.Neelakandan would submit that the respondents are not eligible for promotion to the post of Section Officer, since they possess open University degree, without undergoing the regular pattern of education 10+2+3, which is held as invalid by the Hon'ble Supreme Court of India in *Annamalai University vs. Secretary to Government, Information & Tourism Deptt., (2009) 4 SCC 590*.

6. The order of the Hon'ble Supreme Court has been implemented by



7. Mr.K.Raja, learned counsel for the respondent would oppose by stating that even before amendment of Rules, promotion to the post of Section Officer was granted to the juniors of the respondents. Therefore, as on the date of promotion of the juniors to the respondents, there was no impediment to consider the names of the respondents for promotion to the post of Section Officer.

8. We are of the opinion that these relative merits ought to be considered by the Government based on the documents and evidences available on record. The service records ought to have been verified and the qualifications acquired and eligibility criterias are to be scrutinised with reference to the Service Rule applicable.

9. The writ order was passed setting aside the impugned order and the matter was remanded back for fresh consideration. The said order was confirmed by the Division Bench and the Hon'ble Supreme Court of India.



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Thus, the State ought to have considered the merits afresh instead of preferring Review Applications. Thus, in our considered opinion, the Review Applications are unnecessary. Therefore, we are not inclined to entertain the Review Petitions. Consequently, the appellants are directed to consider the facts and issues afresh with reference to the documents and rules as applicable and pass appropriate orders as directed by the Writ Court and writ Appellate Court as expeditiously as possible.

10. With the above observations, the Review Applications stand disposed of. No costs.

[S.M.S., J.] [C.K., J.]
03.07.2024

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Index : Yes

Speaking order : Yes

Neutral Citation : Yes/No



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