



Rev.Appl.170 of 2024

WEB COPY IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED : 19.11.2024

CORAM:

THE HONOURABLE MR. JUSTICE BATTU DEVANAND

Review Appl.No.170 of 2024 & WMP.No.29322 of 2024

Against

W.P.No.25326 of 2017

P.Vadivelan

...

Petitioner

Vs

1.State Commissioner for Differently
abled persons,
Commissionerate for Welfare of
Differently abled,
Jawaharlal Nehru Inner Ring Road,
K.K.Nagar, Chennai – 78.

2.The Head Master,
Government High School for Blinds,
Thanjavur District, Thanjavur.

3.K.Mahalakshmi,
Graduate Teacher (Tamil),
Government Hr.Sec.School for the Blind,
Membalam, Thanjavur District,
Thanjavur.

...

Respondents

PRAYER: Review Application has been filed under Order 47 Rule 1 and
Read with Section 114 of C.P.C. to allow the Review Petition and to set



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aside the order made in W.P.No.25326 of 2017 dated 17.04.2024 on the file of this Hon'ble Court.

For Petitioner ... M/s.Thenmozhi Shivaperumal
For Respondent ... Mr.L.S.M.Hasan Fizal
Nos.1 & 2 Additional Government Pleader
Respondent No.3 ... No appearance

ORDER

This Review Application has been filed against the order of this Court dated 17.04.2024 passed in W.P.No.25326 of 2017.

2.Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the first and second respondents.

3.Inspite of service of notice, there is no representation on behalf of the third respondent.



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4.Having considered the submissions of both the learned counsel appearing for the petitioner as well as the learned Additional Government Pleader appearing for the first and second respondents and on careful examination of the materials placed before this Court, now it is found that the certificate of Teacher Eligibility Test is mandatory for consideration of promotion. During the process of giving promotion to the third respondent as B.T.Assistant for the panel year 2016 - 2017, both the petitioner and the third respondent did not acquire the certificate of Teacher Eligibility Test, which is mandatory. But the respondents 1 & 2, without considering the same, promoted the third respondent as B.T.Assistant against the procedure. It is also an admitted fact that the petitioner also did not possess the Teacher Eligibility Test certificate, as such he is also not entitled for consideration.

5.In this factual position, this Court is of the considered opinion that the first and second respondents did not follow the procedure and contrary to the procedure, promoted the third respondent as B.T.Assistant as such.



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6. Accordingly, the order passed in W.P.No.25326 of 2017 dated 17.04.2024 is hereby modified to that extent and the review application stands allowed.

7. However, this Court is not inclined to pass any consequential direction in favour of the petitioner, as the petitioner also did not possess the certificate of Teacher Eligibility Test for consideration of promotion as B.T.Assistant for the panel year 2016 - 2017. No costs. Consequently, connected miscellaneous petition, if any, is closed.

Internet: Yes/No

19.11.2024

Index: Yes/No

sms

To

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BATTU DEVANAND,J.

sms

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