



Rev. Appl. No.165 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.03.2024

CORAM:

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR
AND
THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY**

Rev. Appl. No.165 of 2021
in WA.No.1463 of 2021

D.Selvaraj

.. Applicant

Vs.

1. The State of Tamil Nadu,
Rep. by its Secretary,
Education Department,
Secretariat, Chennai 9.
2. The Director of Elementary Education,
College Road, Chennai 6.
3. The District Elementary Educational Officer,
Thanjavur District.
4. The Assistant Elementary Educational Officer,
Thirupananthal, Thanjavur District.
5. Alhilal Aided Middle School,
Rep. by the Secretary,
Thathuvancheri,
Thirupananthal, Thanjavur District.

.. Respondents

Review Application is filed under Order 47 Rule 1 r/w Section 114 of CPC to review the order of this Court dated 02.09.2021 made in W.A.No.1463 of 2021.

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For Applicant : Mr.S.N.Ravichandran

For Respondents

for RR1 to 4 : Mr.U.M.Ravichandran

for R5 : Mr.K.Sathish Kumar

ORDER

(The ORDER of the Court was made by S.S.SUNDAR, J)

This petition has been filed to review the order of this Court dated 02.09.2021 made in W.A.No.1463 of 2021.

2. On a careful scrutiny of documents and records, it reveals that the petitioner's appointment was approved with effect from 01.02.2004. However, this order was never challenged by the petitioner or the second respondent at any point of time. Therefore, the learned Single Judge while disposing of the Writ Petition, specifically held that the petitioner's appointment was approved only with effect from 01.02.2004 and therefore, the petitioner is not entitled to monetary benefits by taking his appointment with effect from 07.01.2001. In this case, the petitioner seeks pension under

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old pension scheme. The petitioner has been contributing under the new scheme from 2004 and hence, he is aware of the consequences of approving his appointment with effect from 01.02.2004.

3. Eventhough the petitioner was given liberty to make a representation by the learned Single Judge, the Division Bench has held that in view of the admitted fact that the petitioner has not challenged the earlier order approving appointment with effect from 01.02.2004, there is no necessity for considering the representation once again by the authorities and the direction to make a fresh representation to the authorities is not warranted.

4. This Court and the Hon'ble Supreme Court have repeatedly held that the scope of review is entirely different from the scope of appeal. Unless there is an error apparent on the face of record, review is not maintainable. Even if an error has to be detected by a process of reasoning and the error is not manifest or apparent, a review is not maintainable under Order 47 Rule 1 of CPC. Therefore, this Court is not inclined to entertain



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this Review Application. Hence, the Review application is dismissed. No costs.

(S.S.S.R.J.,) (K.R.J.,)
08.03.2024

Speaking Order: Yes / No
pvs

To

1. The Secretary,
The State of Tamil Nadu,
Education Department,
Secretariat, Chennai 9.
2. The Director of Elementary Education,
College Road, Chennai 6.
3. The District Elementary Educational Officer,
Thanjavur District.
4. The Assistant Elementary Educational Officer,
Thirupananthal, Thanjavur District.



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S.S.SUNDAR, J.
and
KRISHNAN RAMASAMY, J.

pvs

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