



Rev.Appl.No.21/2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.10.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

Rev.Appl.No.21/2024

P.Krishnakumar

... Petitioner

Vs.

1.The State of Tamil Nadu
rep.by its Secretary
Department of Human Resources
Management, Secretariat
Chennai 600 009.

2.The Tamil Nadu Public Service Commission,
[TNPSC], rep.by its Secretary
TNPSC Road, VOC Nagar,
Park Town , Chennai 600 003.

3.The Principal Secretary to Government
Department of Highways & Minor Ports
Government of Tamilnadu
Secretariat, Chennai 600 009.

... Respondents



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Prayer : Review Application filed under Order XLVII Rule 1 of CPC read with Section 114 of CPC against the order dated 06.06.2022 made in WA.No.237/2022 in confirming the order dated 08.12.2021 made in WO.No.19146/2021.

For Petitioner : Ms.N.Kavitha Rameshwar
For RR 1, 3 to 5 : Mr.P.Balathandayutham, SplGP
For R2 : Mr.P.J.Rishikesh, Standing counsel

ORDER

[Order of the Court was made by S.S.SUNDAR, J.,]

- (1)The present review application is filed to review the judgment passed in WA.No. 237/2022 dated 06.06.2022.
- (2)Having regard to the scope of review as settled by the Hon'ble Supreme Court and this Court in several precedents, this Court is unable to entertain this review application.
- (3)The learned counsel for the review applicant relied upon Section 68 of the Government Servants [Conditions of Services] Act, 2016. It is useful to



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refer to explanation [2] of Section 25 where the position is clarified to the effect that a degree in the subject should be deemed to be a higher qualification when Diploma in the particular subject is prescribed as qualification. Taking note of the principles settled by this Court in another judgment, the Division Bench has consciously dismissed the writ appeal holding that there is no merits in any of the submissions of the learned counsel for the appellant/review applicant.

- (4) This Court finds no error apparent on the face of the record to interfere with the review application.
- (5) The residuary argument of the learned counsel for the review applicant is that they have challenged Section 25 of the Act in another writ petition and the writ petition may also be heard along with this review application.
- (6) The review cannot be entertained on the ground that a different order is possible in case a writ petition challenging the constitutional validity of Section 25 is allowed. As on date, in the absence of any order staying the operation of Section 25 of the Act, this Court cannot accept this contention to sustain the review application.



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(7)Hence, the review application stands **dismissed**. No costs.

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[SSSRJ] [MSQJ]
21.10.2024

AP

Index : Yes

Internet : Yes

Neutral Citation:Yes

To

1.The Secretary

State of Tamil Nadu

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Chennai 600 009.

2.The Secretary

Tamil Nadu Public Service Commission,

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