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Rev.Aplc.(MD) No.81 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE D. BHARATHA CHAKRAVARTHY

Rev.Aplc.(MD) No.81 of 2024

and

C.M.P.(MD) No.10028 of 2024

1.The District Educational Officer,
Thoothukudi Educational District,
Thoothukudi District.

2.The Block Educational Officer,
Karungulam Union,
Thoothukudi Educational District,
Thoothukudi District.

(formerly known as Additional Assistant
Educational Officer Karungulam Union,
Thoothukudi District.)

... Applicants

Vs.

Valliammai

... Respondent

Prayer : Review Application filed under Order 47 Rule 1 and 2 r/w. Section 114 of CPC to review the order dated 01.09.2023 in W.A.(MD) No.1406 of



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2023 on the file of this Court.

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For Applicants : Mr.J.Ashok
Additional Government Pleader

For Respondent : Mr.P.M.Vishnuvarthanan

ORDER

(Order of the Court was made by **S.S. SUNDAR, J.**)

(Through video conferencing)

This Review Application is filed to review the judgment dated 01.09.2023 in W.A.(MD) No.1406 of 2023.

2.The respondents in the writ petition are the appellants in the Writ Appeal and the applicants in this Review Application.

3.Brief facts that are necessary for the disposal of this Review Application are as follows :

3.1.The respondent/writ petitioner herein filed a writ petition in W.P. (MD) No.19704 of 2018 to quash the order of the 2nd review applicant and to direct the review applicants to refix the writ petitioner's salary as on 14.09.2007



on the basis of her representation dated 02.05.2018. The petitioner's representation was rejected and therefore, the respondent filed the writ petition in W.P.(MD) No.19704 of 2018. By order dated 22.08.2022, the writ petition was allowed by a learned Single Judge, specifically holding that the writ petitioner, who is senior to one R.Meeriam, is entitled to pay parity atleast with her junior. Learned Single Judge considered the specific stand taken by the review applicants and held that the reasons given in the impugned order cannot be sustained in view of the judicial precedents relied upon by the learned Judge.

3.2.When the matter came on appeal, this Court confirmed the order of the learned Single Judge with specific finding that the writ petitioner is senior to R.Meeriam.

3.3.To review the judgment in the Writ Appeal, the above Review Application is filed.

4.The contention of the review applicants is that the writ petitioner and the said R.Meeriam did not belong to same cadre and that therefore, their disparity in salary is a consequence of their posting in different positions. The



review application is filed as if this Court has failed to consider the two different scales applicable to the writ petitioner and her junior in view of the nature of posts to which they were promoted earlier.

5.It is not as if this Court is not aware of the submissions of the review applicants that the writ petitioner was in a higher post of Middle School Headmaster in a scale which is little lower than the scale of pay of the other candidate who was in the lower post of Selection Grade Primary School Headmaster. However, this Court, after understanding that the same is not a reason to deny the salary on par with the junior of the writ petitioner. This Court, considering the eligibility of the writ petitioner who claimed pay parity with her junior, consciously has confirmed the order of the learned Single Judge allowing the writ petition, for reasons.

6.Therefore, this Court is unable to entertain the review, as it has been repeatedly held that review is not an appeal in disguise. Merely because a different view is possible, the Court cannot entertain a review application. The memorandum of grounds of review is prepared as if the order of this Court is erroneous without taking note of the factual submissions. This Court is unable



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to find any mistake or error in construing the facts. The applicants cannot seek review unless there is an error apparent on the face of the record. An erroneous decision also cannot be a ground to review the judgment. The distinction between “erroneous decision” and “an error apparent on the face of the record” has been extensively dealt with and it is well settled that an order of Court cannot be reviewed if the contention is that the order is erroneous. In view of the law settled by this Court and Hon'ble Supreme Court on the scope of review under Order 47 Rule 1 CPC, this Court finds no merit in this Review Application.

7. Accordingly, this Review Application is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(S.S.S.R., J.) (D.B.C., J.)
02.09.2024

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S.S. SUNDAR, J.
and
D. BHARATHA CHAKRAVARTHY, J.



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Internet : Yes

Index : Yes / No

Neutral Citation : Yes / No

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