



W.A.(MD)Nos.1141 & 1142 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.07.2024

CORAM:

THE HONOURABLE **MR.JUSTICE R.SURESH KUMAR**

AND

THE HONOURABLE **MR.JUSTICE G.ARUL MURUGAN**

W.A.(MD)Nos.1141 & 1142 of 2024

and

C.M.P.(MD)Nos.8696 & 8698 of 2024

1.The Director of Collegiate Education,
College Road, Chennai-600 006.

2.The Joint Director of Collegiate Education,
Tirunelveli Region, Tirunelveli-627 002.

... Appellants in both W.As.

-Vs-

1.K.Joseline Margaret

2.The Correspondent Cum Secretary,
St.John's College, Palayamkottai,
Tirunelveli-627 002.

... Respondents in both W.As.

PRAYER: Appeals filed under Clause 15 of Letters Patent, praying this Court to set aside the orders dated 30.06.2023 made in W.P.(MD)Nos.7307 & 7308 of 2023 on the file of this Court.

For Appellants : Mr.J.Ravindran,
Additional Advocate General,



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assisted by Mr.S.Shaji Bino,

Special Government Pleader

For R1 : Mr.M.Joseph Thatheus Jerome

For R2 : Mr.P.P.Alwin Balan

(in both W.As.)

COMMON JUDGMENT

[Judgment of the Court was delivered by *R.SURESH KUMAR, J.*]

These Writ Appeals are directed against the orders dated 30.06.2023 made in W.P.(MD)Nos.7307 & 7308 of 2023.

2.Based on the submission, that was made on behalf of the appellants, who stood as respondents in the Writ Petitions as well as the counter affidavit filed by them, the learned Single Judge has passed the orders, which are impugned herein.

3.When that being the position, the orders impugned cannot be successfully assailed by the appellants.

4.However, the learned Additional Advocate General appearing for the appellants would contend that certain facts, which ought to have been brought to



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the notice of the Writ Court, have not been brought to the notice of the Writ Court because of the communication gap or some errors, that have been crept in preparing the counter affidavit by the appellant Department. Had these facts been brought to the notice of the learned Single Judge, the present orders, which are impugned herein, would not have been passed by the Writ Court.

5. Therefore, the learned Additional Advocate General for the appellants would seek indulgence of this Court atleast for giving liberty to file a review application against the orders, which are impugned herein, before the Writ Court.

6. The learned counsel appearing for the 1st respondent would submit that if at all the appellants want to file a review application before the Writ Court, it is for them to make it, but based on such a reason, the orders that have been passed by the learned Single Judge, which are impugned herein, cannot be assailed and therefore, to that extent, the orders impugned have to be saved, he contended.

7. We have perused the impugned orders and heard the learned Additional Advocate General appearing for the appellants and the learned counsel for the respondents 1 and 2 respectively.



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8.The learned Additional Advocate General for the appellants has submitted that because of certain facts, which have not been brought to the notice of the learned Single Judge, the orders impugned have been passed. Therefore, at this juncture, a chance may be given to the appellant Department to put the facts rightly before the Writ Court by filing proper review application.

9.The said submission made by the learned Additional Advocate General has to be considered, because if certain facts have not been brought to the notice of the Writ Court, based on which, the orders have been passed, only in those circumstances, the parties can be permitted to approach the Court, where such an order has passed to seek the review of the order.

10.Therefore, having regard to the aforestated contention of the learned counsel for the parties and taking note of the factual matrix of the case, we are inclined to dispose of these Writ Appeals with the following order:-

“(i)that it is open to the appellants to file a review application before the Writ Court against the orders impugned dated 30.06.2023;

(ii)If such a review is filed within a period of two weeks from the date of receipt of a copy of this order, it is for the Writ Court to



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entertain and decide the same on merits and in accordance with law, where it is also open to the appellants herein to put forth the facts, which they failed to brought to the notice of the learned Single Judge at the time of disposal of the Writ Petitions.; and

(iii)If any such review is filed within a period of two weeks, till a decision is taken in the review application, pursuant to the orders impugned dated 30.06.2023, the 1st respondent herein, who are the writ petitioners shall not take any coercive steps to implement the orders impugned, including the insistence of the personal appearance.

11.With these observations, these Writ Appeals are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

[R.S.K., J.] & [G.A.M., J.]
08.07.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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Note: Issue Order copy on 09.07.2024.



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AND

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