



CMP(MD). No.8529 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Wednesday, the Twenty Eighth day of August Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice R.SUBRAMANIAN
AND
The Hon`ble Mrs.Justice L. VICTORIA GOWRI

CMP(MD). No.8529 of 2024
in
WA(MD)No.426 of 2024

M. Kavitha,

... Petitioner

Vs

1 The Director of School Education,
DPI Campus College Road
Chennai-600 006.

2 The Govt of Tamilnadu
Rep by its Member Secretry,
Teachers Recruitment Board,
3rd Floor,
Puratchithalaivar Dr. MGR Cetenary Building
DPI Campus College Road Chennai-600 006.

... Respondents

Prayer in CMP(MD)No.8529 of 2024:-

Civil Miscellaneous Petition filed under Section 151 of the C.P.C., to issue suitable clarifications in W.A.(MD) 426/2024 date 17.04.2023 with regard to liberty to file review application in W.P.(MD).No.17629 of 2022 dated 27.09.2022 and thus

<https://www.mhc.tn.gov.in/judis>



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render justice.

Prayer in W.A(MD)No.426 of 2024:-

Appeal filed under Clause 15 of Letters Patent, against the order made in W.P (MD)No.17629 of 2022 dated 27.9.2023.

Prayer in W.P(MD)17629 of 2023:-

writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 2nd respondent to provide 3 Additional Marks to the petitioner, answer correctly in Question Numbers 18, 32 and 85 examination conducted on 20.02.2022 in Roll No.251156, Registration No. TRB CI568550 for Direct Recruitment for the post of Post Graduate Assistants/Physical Education Directors Grade-I/Computer Instructor Grade I in School Education and Other Departments for the year 2020-2021 based on the petitioner representation dated 08.07.2022.

ORDER:- This Civil Miscellaneous Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.G.Sakthi Rao, Advocate for the Petitioner and of Mr.VR Shanmughanathan, Advocate for the 2nd respondent, this Court made the following order:

“(Order of the Court was made by **R.SUBRAMANIAN,J.**)

The petitioner seeks clarification of our order dated 17.04.2023 made in W.A. (MD)No.426 of 2023. We have only recorded the request of the appellant's counsel to withdraw the appeal and dismissed the same as withdrawn.



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2. The learned counsel for the petitioner would submit that since subsequently certain other matters, the writ Court had granted relief to similarly placed persons. The petitioner thought she would withdraw the appeal and approach the Writ Court by way of review. But when she sought a review, the Writ Court had dismissed the same on the ground that the petitioner had not obtained liberty to file a review before this Court while withdrawing the Writ Appeal. The learned counsel for the petitioner would submit that this happened because of a mistake.

3. We find that the prayer to be very reasonable. If similarly placed persons have succeeded in the writ petition, we don't see any reason to deny the petitioner of a chance. Hence, the order made in the Writ Appeal is clarified to the effect that the petitioner will have liberty to seek review before the learned Single Judge."

Sd/-

Assistant Registrar(C.O)

// True Copy //

/09/2024

Sub Assistant Registrar
(CS-I / II / III / IV)



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TO
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1. The Director of School Education
DPI Campus, College Road , Chennai- 600006.
2. The Member Secretary
Govt of Tamilnadu,
Teachers Recruitment Board , 3rd Floor
Puratchithalaivar Dr. Mgr Cetenary Building
Dpi Campus College Road Chennai

Copy to:

The Section Officer,
Judicial Section,
Madurai Bench of Madras High Court, Madurai.

ORDER DATED : 28/08/2024

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ORDER

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CMP(MD). No.8529 of 2024

in

WA(MD)No.426 of 2024

SI -(18.09.2024) 4P/ 4C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.