



Review Petition No.87 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.12.2024

CORAM:

**THE HON'BLE MRS. JUSTICE V.BHAVANI SUBBAROYAN AND
THE HON'BLE MR. JUSTICE K.K. RAMAKRISHNAN**

Review APLC(MD)No.87 of 2024

R.Dharmaraj

... Petitioner

Vs.

1. Principal Secretary to Government,
State of Tamil Nadu Government,
Secretariat, Chennai – 9.

2. The Director of Elementary Education,
College Road, Chennai – 6.

3. The District Elementary Educational Officer,
Chernmahadevi,
Tirunelveli District.

4. The Additional Assistant Elementary Educational Officer,
Kalakkadu – 627 355.
Tirunelveli District.

...Respondents

Prayer: Review Petition filed under Section 114 of Civil Procedure Code to review the order passed by this Hon'ble Court in W.A.(MD). No. 701 of 2017 dated 05.03.2024 and pass orders.

For Petitioner : Mr.T.A. Benezer



ORDER

The present Review Petition has been filed to review the order passed in W.A.(MD). No. 701 of 2017 dated 05.03.2024.

2.The case of the petitioner is as follows:-

(i) The petitioner has filed W.P.(MD).No.10987 of 2010 wherein, the petitioner has sought for a direction to the respondents to accord selection grade or special grade in the post of Head Master of elementary School by counting entire service rendered in the post of Secondary Grade Teacher prior to 01.06.1988 with all the consequential benefits including payment of arrears and allowances and re-fixation. The said writ petition was allowed by this Court vide order dated 25.11.2014 and the respondents are directed to accord selection grade and Special Grade in the post of Head Master of Elementary School.

(ii) Challenging the same the Respondents in W.P.(MD).No.10987 of 2010 filed writ appeal and the same was allowed. Aggrieved over the same the petitioner has come up with this Review petition.

3. The learned counsel for the petitioner submitted that the relevant Government Orders is applicable to the Aided School teachers also. He further submitted that there is no clause in the relevant Government orders



as the same is applicable only the Panchayat School Teachers. Hence prays to allow this Review petition.

4. There is no representation for the Respondents.

5. Heard the learned counsel appearing for the petitioner and perused the documents placed on record.

6. On a perusal of the documents placed on record it is seen that already this Court had heard the matter in W.A(MD)No.701 of 2017 and allowed the same on 05.03.2024. After going through the relevant Government Orders this Court found that the G.O.(Ms.) No.210, School Education (G-1) Department, dated 14.08.2009 and G.O.(Ms.)No.234, School Education(G2) Department, dated 10.09.2009 are applicable to the Panchayat School Teachers alone and the Teachers who served in the Aided Schools are not eligible.

7. It is to be noted that the similarly placed persons have already approached this Court by filing writ petitions seeking to extend the benefit of G.O.(Ms.)No.234, School Education (G2) Department, dated 10.09.2009 to them. The learned single Judge of this Court dismissed the batch of writ



petitions. The said decision was challenged by the writ petitioners before the Division Bench of this Court in W.A.(MD)Nos. 914 to 925 of 2011 and the Division Bench of this Court allowed the writ appeals. Challenging the same, the State Government has filed Review Applications before the Division Bench of this Court in Rev.Appln.(MD).Nos 90 to 95. The Division Bench of this Court allowed the the Review Application stating that G.O.(Ms.) No.210, School Education (G-1) Department, dated 14.08.2009 and G.O(Ms.)No.234, School Education(G2) Department, dated 10.09.2009 are applicable to the Panchayat School Teachers alone and not to the Teachers, who served in the Aided Schools are not eligible.

8. Hence, the sum and substance of the case is that whether the G.O. (Ms.) No.210, School Education (G-1) Department, dated 14.08.2009 and G.O(Ms.)No.234, School Education(G2) Department, dated 10.09.2009 is applicable to the petitioner or not and the same has reached finality in Rev.Appln.(MD).Nos 90 to 95.

9. It is settled law that the first and foremost requirement of entertaining a review petition is that the order under review which is sought should suffer from any error apparent on the face of the order and in absence of any such error the order passed cannot be reviewed.



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10. In view of the above facts, it is made clear this Court does not find any reason to entertain the present Review Application. Accordingly, the Review Petition is dismissed.

[V.B.S.J] [K.K.R.K.J]

Index: Yes/No
Internet: Yes/No
Speaking / Nonspeaking order
smn

To

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**V.BHAVANI SUBBAROYAN ,J.
and
K.K. RAMAKRISHNAN, J.**

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