



C.M.P.(MD).No.12296 of 2023
Rev.Applc.(MD).Sr.No.5504 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.07.2024

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

and

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

C.M.P.(MD).No.12296 of 2023 in
Rev.Applc.(MD).Sr.No.5504 of 2023

1. The District Elementary
Educational Officer,
Tirunelveli District.

2. The Assistant Elementary Educational Officer,
Palayamkottai Urban,
Tirunelveli District.

... Review Petitioners

-- VS--

1. G.John Godwin

2. The Correspondent,
T.D.T.A.Middle School,
Manarkadu, Tirunelveli District.

... Respondents

PRAYER in Rev.Applc.(MD).Sr.No.5504 of 2023: Petition filed to review the order passed in C.M.P.(MD)No.4577 of 2022 in W.A.(MD) No.SR.No.25275 of 2021 dated 12.10.2022.



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PRAYER in C.M.P.(MD).No.12296 of 2023: Petition filed to condone the delay of 160 days in representation of the review application against the order dated 12.10.2022 passed in C.M.P.(MD) No.4577 of 2022 in W.A.(MD) SR No.25275 of 2021.

For Petitioners : Mr.D.Gandhiraj,
Spl. Government Pleader

ORDER

The above Review Application is filed seeking to review the order passed in C.M.P.(MD)No.4577 of 2022 in W.A.(MD) No.SR.No.25275 of 2021 dated 12.10.2022 and the Civil Miscellaneous Petition is filed to condone the delay of 160 days in representation of the above review application.

2. We wanted to understand the scope of the review filed by the District Elementary Education Officers. The learned Special Government Pleader appearing on behalf of the petitioners in this petition submitted that as against the order passed by the Division Bench, an S.L.P. was filed before the Apex Court in S.L.P.(C)No.12693 of 2022 and the Hon'ble Apex Court has stayed the operation of paragraph no.95 (i) of the judgment. The learned Special



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Government Pleader further submitted that the schools are run under a single Management and therefore it must be considered as one unit and therefore, the deployment must be spread over the schools forming part of the same unit. Hence, there was no need to fill up the sanctioned posts as claimed by the writ petitioners.

3. In our considered view, this Court has consistently taken a view that the posts can be sanctioned subject to the result of the Special Leave Petition pending before the Apex Court. The same yardstick can be applied in the present case also. Hence except giving a clarification to the effect that the sanctioning of the posts can be given subject to the result of the case pending before the Apex Court, there is no further scope to review the order passed by us.

4. This Civil Miscellaneous Appeal is disposed of accordingly and the Review Application stands rejected at the S.R.stage itself. No costs.

[J.N.B.J.,] [N.A.V.J.,]

04.07.2024



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J.NISHA BANU, J.

&

N. ANAND VENKATESH, J.

sts

Index : Yes / No

Internet : Yes/ No

sts

To:

The Correspondent,

T.D.T.A.Middle School,

Manarkadu, Tirunelveli District.

Order made in
C.M.P.(MD).No.12296 of 2023 in
Rev.Applc.(MD).Sr.No.5504 of 2023

Dated:
04.07.2024