



WEB COPY



Rev.Aplw.No.61 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2025

CORAM:

THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

REV.APPLICATION (W) No.61 of 2014

Y.Hamlet Raj ... Petitioner

Vs

1.The Director of School Education,
College Road,
Chennai – 600 006.

2.The Chief Educational Officer,
Nagercoil – 629 001,
Kanyakumari District.

3.The District Educational Officer,
Kuzhithurai at Marthandam,
Kanyakumari district – 629 165.

4.The Corporate Manager of RC Schools,
Good News Centre, Unnamalaikadai,
Kanyakumari District – 629 169.

5.The Correspondent,
St.Francis Higher Secondary School,
Vavarai, ST Mangadu – 629 172,
Kanyakumari District.

6.Thiru S.Venkatachalam ... Respondents



Rev.Aplw.No.61 of 2014

PRAYER: Petition against the order, dated 22.07.2009, passed in W.P.No.11291 of 2001 on the file of this Court.

For Petitioner : Mr.P.Mathivanan

For Respondents 1 to 3 : Mrs.P.Rajarajeswari,
Govt. Advocate.

For Respondents 4 & 5 : Mr.P.Godson Swaminath

ORDER

This Review Application has been filed seeking review of the order dated 22.07.2009 passed in W.P.No.11291 of 2001. By the said order, the challenge to the proceedings dated 17.04.2001 issued by the third respondent, whereby the request of the petitioner seeking approval of his appointment as B.T. Assistant (Mathematics) was rejected, came to be dismissed.

2. The petitioner was appointed as a Probationary High School Assistant in the fifth respondent school on 01.06.2000, consequent upon the retirement of one P. Selvaraj, who attained the age of superannuation on 31.05.2000.

3. The fifth respondent school forwarded a proposal to the respondent authorities seeking approval of the petitioner's appointment. However, the said



Rev.Aplw.No.61 of 2014

proposal was rejected on the ground that, prior to the petitioner's appointment, the management had sought conversion of one post of B.T. Assistant (Mathematics) into B.T. Assistant (English); that such conversion was approved by the Chief Educational Officer on 15.04.2001; that the appointment of one C. Benedict Raj as B.T. Assistant (English) was also approved; and that, in the absence of any vacancy in the post of B.T. Assistant (Mathematics), the petitioner's claim for approval could not be considered. Recording the aforesaid reasons, the learned Judge dismissed the Writ Petition.

4. The petitioner has filed the present Review Application contending that he was appointed as B.T. Assistant (Mathematics) against a sanctioned vacant post that arose due to the retirement of the incumbent, namely, P. Selvaraj, and that there was no conversion of the said post at any point of time. It is further contended that dismissal of the Writ Petition on the ground of conversion of post amounts to an error apparent on the face of the record, warranting review of the impugned order.

5. Learned counsel appearing for the respondent school submitted that C. Benedict Raj was appointed as B.T. Assistant (English) in a post created pursuant to G.O.Ms.No.523, School Education (D1) Department, dated 29.12.1997, and therefore, there was no conversion of a post from B.T. Assistant



Rev.Aplw.No.61 of 2014

(Mathematics) to B.T. Assistant (English). It was further submitted that the appointment of C. Benedict Raj was subsequently withdrawn, as the Government had issued another Government Order granting permission to fill up the said post.

6. Learned Government Advocate appearing for the State submitted that the appointment of C. Benedict Raj was withdrawn pursuant to the proceedings of the Director of School Education, the first respondent herein. She further submitted that the petitioner's appointment was in contravention of G.O.Ms.No.285, dated 01.10.1999, which granted permission to Government-aided schools to appoint English Graduate Teachers and not B.T. Assistants (Mathematics). Therefore, according to her, the petitioner's claim for approval was rightly rejected, and the learned Judge, after considering all aspects of the matter, dismissed the Writ Petition. In the absence of any error apparent on the face of the record, the Review Application is not maintainable.

7. The submissions advanced by the learned counsel appearing on either side have been carefully considered.

8. The respondent school issued an appointment order dated 09.03.2000 appointing C. Benedict Raj as a Probationary High School Assistant in a newly created post pursuant to G.O.Ms.No.523, dated 29.12.1997.



Rev.Aplw.No.61 of 2014

Subsequently, the petitioner was appointed on 01.06.2000 as a Probationary High School Assistant in the vacancy caused due to the retirement of P. Selvaraj. The proposal sent by the respondent school seeking approval of the petitioner's appointment was rejected on the ground that permission had been granted only to appoint an English Graduate Teacher in one graduate post for IX and X Standards.

9. It is an admitted fact that the petitioner was appointed as B.T. Assistant (Mathematics) against a sanctioned vacant post that arose due to the retirement of P. Selvaraj. The petitioner was not appointed to a newly created post. As per G.O.Ms.No.285, dated 01.10.1999, one additional post was created, and it was in that newly created post that C. Benedict Raj was appointed, and not the petitioner. Therefore, rejection of the petitioner's claim on the ground that he was appointed to a newly created post, allegedly amounting to conversion of post, is arbitrary and discriminatory.

10. The respondent authorities have erroneously applied G.O.Ms.No.285, dated 01.10.1999, to the case of the petitioner. Since the petitioner was appointed against a sanctioned vacant post, he is entitled to approval of his appointment. The rejection of his claim is erroneous on the face of the record, and this Court, by proceeding on an incorrect assumption that the petitioner was appointed to a newly created post, committed an error apparent



Rev.Aplw.No.61 of 2014

on the face of the record while dismissing the Writ Petition. Such an error squarely falls within the scope of Order XLVII Rule 1 of the Code of Civil Procedure, warranting review of the order. The petitioner is, therefore, entitled to approval of his appointment as B.T. Assistant (Mathematics), subject to fulfillment of all other prescribed requirements.

11. Accordingly, the Review Application is allowed, the order dated 22.07.2009 passed in W.P.No.11291 of 2001 is hereby set aside, and the said Writ Petition stands allowed. Respondents 1 to 3 are directed to approve the appointment of the petitioner as B.T. Assistant (Mathematics) in the fourth and fifth respondent school, notionally with effect from 01.06.2000, subject to the petitioner satisfying all other requisite conditions, and to extend all consequential benefits flowing therefrom. The said exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

15.12.2025

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

dixit



Rev.Aplw.No.61 of 2014

WEB COPY

To:

- 1.The Director of School Education,
College Road,
Chennai – 600 006.
- 2.The Chief Educational Officer,
Nagercoil – 629 001,
Kanyakumari District.
- 3.The District Educational Officer,
Kuzhithurai at Marthandam,
Kanyakumari district – 629 165.



WEB COPY



Rev.Aplw.No.61 of 2014

HEMANT CHANDANGOUDAR, J.

dixit

REV.APLW.No.61 of 2014

15.12.2025