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Rev.Apl.(Writ) No.45 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.01.2025

Coram

The Hon'ble Mr.Justice N.Sathish Kumar

**Review Application No.45 of 2025
and
W.M.P.No.2487, 2591 & 2592 of 2025
in
W.P.No.28698 of 2023**

K.M.S. Maruthi Rajaguru

..Revision Petitioner

Vs.

1. The Correspondent,
Concordia Higher Secondary School,
Ambur Society, Ambur, Thirupattur District.
2. The President,
Indian Evangelical Lutheran Church
Ambur Synod, Mission Compound,
Ambur, Thirupattur District.
3. The Director of School Education
DPI Campus, College Road,
Chennai – 600 006.
4. The Chief Educational Officer
Thirupattur.



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5. The District Educational Officer (Secondary)
Thirupattur, Thirupattur District.

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.. Respondents

Review Petition filed under Order 47 Rule 1 read with Section 114 of
CPC to review the order passed by this Court in W.P.No.28698 of 2023 dated
29.09.2023.

For Review Petitioner : Mr.G.Sankaran,
Senior Counsel for
Mr.S.Nedunchezhiyan

For Respondents 1 & 2: Mrs.Dhakshayini Reddy
Senior Counsel for
Mrs.S.Suneetha

For Respondents 3 to 5 : Mrs.P.Rajarajeswari
Government Advocate

ORDER

This Review Petition has been filed by a third party, viz.,
K.M.S.Maruthi Rajaguru to review the order passed by this Court in
W.P.No.28698 of 2023 dated 29.09.2023.

2. The Writ Petition in W.P.No.28698 of 2023 was filed by the
respondents 1 and 2 herein seeking for the following prayer:-



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i) For issuance of a Writ of Certiorarified Mandamus to call for records of the second respondent in Na.Ka.No.3305/A2/2023 dated 30.08.2023 and quash the same and consequently direct the respondents to accord approval to the appointment of S.Vasanthi, as PG Assistant History, J.Kirbagaran, P.G. Assistant Tamil, V.Shakinder as BT Assistant History, P.Malarrani, P.G. Assistant Botany respectively in the Concordia Higher Secondary School, Ambur Thirupattur District with effect from 07.06.2017 by taking into account the fact that the proposal has been submitted by the duly constituted Executive Committee duly elected during the conduct of the elections by the Interim Administrator appointed by this Court and Correspondanceship of the said schools has been duly approved by the proceedings of the Chief Educational officer in Na.Ka.No.777/A2/2023 dated 03.03.2023. "

3. This Court, taking note of the submissions made on both sides, passed an order, the operative portion of which, is extracted hereinunder:-

" In such view of the matter, **the petitioners are directed to send a fresh proposal including ratification of the earlier appointments made and seek approval within a period of two weeks from the date of receipt of this Order.** On receipt of such



proposal, the second respondent shall pass Orders on the same within a period of one month thereafter.

With the above directions, these Writ Petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

4. Mr.G.Sankaran, the learned Senior Counsel for the review petitioner would submit that the vacancy to the post of P.G. Assistant (Botany) in the respondent-Concordia Higher Secondary School, has not arisen as on 07.06.2017, only upon one Mrs.Eunice Chandrodhayam, who attained superannuation on 30.06.2022, a regular vacancy to the said post has arisen w.e.f. 01.07.2022, however, the respondents 1 and 2 in suppression of above said material fact has filed a Writ Petition in W.P.No.26898 of 2023 and misrepresented that there was no vacancy to the post of P.G.Assistant (Botany) in the respondent-School, w.e.f. 07.06.2017, that though the review petitioner made a representation seeking for regular promotion to the aforesaid post w.e.f. 01.07.2022, the said representation was rejected by an order of the President, Ambur Synod dated 05.10.2023; that since the same is in violation of the Byelaws and Rules of India Evangelical Lutheran



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Church (IELC) and depriving the rights of the review petitioner for consideration to the said post, the review petitioner has filed a Writ Petition No.16623 of 2024, and the same is pending.

4.1 Therefore, it is contended by the learned Senior Counsel that the grievance of the review petitioner is that the review petitioner alone is working in the cadre of P.G. Assistant (Botany) from 2017 onwards, therefore, he is entitled for promotion to the said post, however, since the respondents 1 and 2 have filed W.P.No.26898 of 2023 by concealing the fact stating that the vacancy to the aforesaid post has arisen w.e.f. 01.07.2017, so as to claim that one Mrs.P.Malar Rani was appointed as P.G.Assistant (Botany) w.e.f. 07.06.2017 and this Court also was pleased to pass orders in W.P.Nos.26898 of 2024 etc. batch, by directing the respondents 1 and 2 to send the proposal, including ratification of earlier appointments of the year 2017, the review petitioner's right for being considered to the said post was not considered and rejected by the respondent-School Management. Hence, the learned Senior Counsel seeks for appropriate orders.

5. Per contra, Mrs.Dhakshayini Reddy, learned Senior Counsel for



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the respondents 1 and 2/writ petitioners would submit the review petitioner was never ever appointed to the post of P.G. Assistant (Botany); that one Eunice Chandrodayam was appointed as Head Master w.e.f. 07.06.2017, however, since no approval was granted to such promotion and she was serving as Headmaster in anticipation of approval, one Mrs.Malar Rani was appointed as P.G.Assistant (Botany) w.e.f. 07.06.2017, and right from the said date, she has been working in the said cadre, in the interregnum, though orders have been served to the Authorities seeking for approval for appointment of Eunice Chandrodayam as Headmaster since no approval was accorded, the respondents 1 and 2 submitted a revised proposal to the respondent-Authorities seeking for approval of the said Malar Rani to the said post w.e.f. 21.06.2023 and only in that situation, orders came to be passed by this Court in W.P.No.28698 of 2023.

5. 1 Therefore, the learned Senior Counsel contended that merely because the Court has directed the writ petitioners to send a fresh proposal including ratification of the earlier appointments made and seek for approval, that per se, would not create any embargo on the review petitioner's right to



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agitate his rights independently. Hence, according to the learned Senior Counsel, the Review Petition is not maintainable.

6. The learned Government Advocate for the respondents 3 to 5 has no say in this Petition as they are not the contesting respondents.

7. I have heard the learned Senior Counsel for the review petitioner, the learned Senior Counsel for the contesting respondents 1 and 2 and perused the materials available on record.

8. The grievance of the review petitioner is that, he is eligible to be considered for promotion to the post of P.G. Assistant (Botany) w.e.f. 07.06.2017, as, from the said date onwards, he has been serving in the said cadre, however, due to alleged misrepresentation of facts by the respondents 1 and 2, his application/representation for grant of promotion to the said post was rejected. According to me, though the grievance of the review petitioner is reasonable, the fact remains that challenging the order of rejection, the review petitioner has filed a Writ Petition in W.P.No.26623 of



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2024. Therefore, the review petitioner is at liberty to agitate his rights in the said Writ Petition. As far as the other objections of the review petitioner are concerned, viz., that he alone worked as P.G. Assistant (Botany) from 2017 onwards, therefore, he is eligible to be appointed to the said post and other candidates, like Mrs.Malar Rani have not tendered such service, etc. he is at liberty to canvas such point before the Authorities, which shall be considered on merits by the Authorities. Thereafter, order shall be passed by the Authorities on the proposal sent by the School Management.

9. With the above observation, this Review Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions in W.M.P.Nos.2487 and 2591 of 2025 are ordered and W.M.P.No.2592 of 2025 is closed.

22.01.2025

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Index : yes/no

To

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N.Sathish Kumar,J.,

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