



Rev.Aplc(MD)No.54 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.11.2025

CORAM:

**THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**Rev.Aplc(MD)No.54 of 2021
&
C.M.P.(MD)No.5972 of 2021
in
W.A.(MD)No.1526 of 2019**

1.The Secretary to the Government,
Education Department,
Fort St. George,
Chennai.

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

3.The Joint Director (Personnel),
School Education Department,
College Road,
Chennai – 600 006.

4.The Principal,
O/o.District Institute of Education and Training,
T.Kallupatti,
Madurai District.

... Petitioners / Appellants

-VS-

N.K.Shankar

... Respondent / Respondent



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PRAYER: Review Application filed under Order 47 Rules 1 and 2 read with Section 114 of Code of Civil Procedure, against the judgment dated 13.12.2019, passed in W.A.(MD)No.1526 of 2019.

For Petitioners : Mr.P.T.Thiraviam
Government Advocate

ORDER

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

The present Review Application has been filed by the appellants in W.A.(MD)No.1526 of 2019, seeking to review the order dated 13.12.2019.

2. The respondent in the Review Application was issued with a charge memo and was imposed with a punishment of postponement of increment for a period of one year on 16.12.1985. Consequently, his request for promotion to the post of Superintendent with effect from 01.04.1987 was not considered. Thereafter, he preferred W.P.(MD)No. 12318 of 2017, seeking notional promotion to the cadre of Superintendent with effect from 01.04.1987 and further promotion to the cadre of Personal Assistant to the District Educational Officer with effect from 05.12.1991.



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3. The said Writ Petition came to be allowed on 11.01.2019.

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4. Challenging the same, the respondents in the Writ Petition preferred W.A.(MD)No.1526 of 2019. A Coordinate Bench of this Court dismissed the said Writ Appeal. Seeking review of the said order, the present Review Application has been filed.

5. According to the learned Government Advocate appearing for the review applicants, since the charge memo was pending and the punishment period was in force during the year 1987, the name of the writ petitioner was not considered for promotion to the post of Superintendent. Consequently, his request for consequential promotion to the post of Personal Assistant to the District Educational Officer with effect from 05.12.1991 was also not feasible. However, these facts were not brought to the notice of the Writ Court.

6. We are not inclined to accept the said submission. Admittedly, the writ petitioner was imposed with the punishment of postponement of increment for a period of one year on 27.03.1985, and the said punishment expired in March 1986. Citing the check period of five years



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from the expiry of the punishment, the name of the writ petitioner was not considered for promotion in the year 1987.

7. Both the Writ Court and the Writ Appellate Court have relied upon the judgment of the Full Bench of this Court reported in **Deputy Inspector General of Police and another vs. V.Rani** reported in **2011 (4) MLJ 1**, wherein it has been held that the concept of a “check period” is illegal. When the check period itself is held to be illegal, the writ petitioner would become eligible for consideration for promotion to the post of Superintendent with effect from 01.04.1987 and for consequential promotion.

8. In such circumstances, we do not find any merit in the Review Application. Accordingly, the Review Application stands dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

NCC : Yes / No
Index : Yes / No
smn2

[C.V.K., J.] [R.V., J.]
04.11.2025



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