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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **02-07-2025**

CORAM

THE HONOURABLE DR JUSTICE R.N.MANJULA

WMP(MD) No. 14256 of 2024

in REV.APLW(MD).SR No.46809 of 2024

& REV.APLW(MD).SR No.46809 of 2024

P.Loorthu Packia Punitha

... Petitioner

Vs

1.A.Sumitha Gold

2.The Director of School Education,
DPI Compound, College Road,
Chenani 600 006.

3.The District Educational Officer (Elementary),
Kovilpatti, Thoothukudi District.

4.The Block Educational Officer,
Vilathikulam, Thoothukudi District.

5.The Correspondent,
St.Antony's Primary School,
Periasamipuram, Vilathikulam,
Thoothukudi District.

... Respondents



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Prayer in W.M.P(MD).No.14256 of 2024: Petition is filed under Section 226 of Constitution of India, to grant leave to the petitioner /3rd party to file review application as against the order passed in W.P(MD).No.10926 of 2024 dated 30.04.2024.

Prayer in Rev.Applc (MD) SR No.46809 of 2024: Application is filed under Order 47 Rule 1 of the Code of Civil Procedure and Section 114 of the Code of Civil Procedure, to review the order passed by this Court in W.P(MD).No.10926 of 2024 dated 30.04.2024.

For Petitioner(s):

Mr.Niranjan S.Kumar

For Respondent(s):

Mr.T.Amjadkhan

Government Advocate (for R2 to R4)

ORDER

This writ miscellaneous petition has been filed by a third party, namely, Loorthu Packia Punitha to review the order of this Court in W.P(MD).No.10926 of 2024, dated 30.04.2024.

2. The learned counsel for the petitioner submitted that the petitioner herein has already filed a writ petition in W.P(MD).No.10929 of 2019



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challenging the appointment of the first respondent herein, who is the petitioner in W.P.(MD).No.10926 of 2024 and the writ petition filed by the petitioner herein in W.P.(MD).No.10929 of 2019 is said to be pending. It is contended that in the writ petition filed by the first respondent herein in W.P.(MD).No.10926 of 2024, the fact of the pendency of the earlier writ petition filed by the petitioner herein was suppressed and on this ground, the petitioner herein sought for review of the order of this Court in W.P.(MD).No.10926 of 2024, dated 30.04.2024.

3. The learned Government Advocate appearing for the State submitted that pursuant to the order of this Court dated 30.04.2024 in W.P.(MD).No.10926 of 2024, which has been allowed in favour of the first respondent herein, compliance has been effected, particularly, in view of the contempt proceedings initiated thereafter. It is also learnt that the respondents have filed a writ appeal challenging the said order passed in W.P.(MD).No.10926 of 2024 and the same was also dismissed.

4. Now, insofar as the issue of challenge in the writ petition in W.P.(MD).No.10926 of 2024 is concerned, it is only with regard to the



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approval of the appointment of the first respondent herein and the validity of the appointment has not been taken up as an issue, because the petitioner herein did not challenge her appointment, but only to withhold to grant approval by invoking the principle of surplus.

5. As the issue with regard to surplus has already been settled by the Hon'ble Division Bench of this Court in W.A.(MD).No.76 of 2019 batch, the writ petition filed by the first respondent herein in W.P(MD).No.10926 of 2024 has been allowed by following the same.

6. As the petitioner is not a party to the writ petition in W.P(MD).No. 10926 of 2024, the order granted in the said writ petition would be binding only against the respondents, who have been impleaded as party respondents therein.

7. Incase the petitioner's writ petition pending in W.P(MD).No.10929 of 2019 has been allowed in her favour, that would have an impact on the first respondent's appointment irrespective of approval granted by the respondents/State.



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8. It is upto the petitioner either to pursue her writ petition in W.P(MD).No.10929 of 2019, which is pending before this Court or to seek leave of the Court to file an writ appeal challenging the order passed in W.P(MD).No.10926 of 2024 independently, as she is the aggrieved party.

9. With the above observation, this Writ Miscellaneous Petition is disposed of. Consequently, connected Review Application is rejected at the SR stage itself.

02-07-2025

NCC : Yes/No

Index:yes/No

Rmk

To

1.The Director of School Education,

DPI Compound, College Road,

Chenani 600 006.

2.The District Educational Officer (Elementary),

Kovilpatti, Thoothukudi District.

3.The Block Educational Officer,

Vilathikulam, Thoothukudi District.

5/6



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DR.R.N.MANJULA,J.

Rmk

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