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Review Appln. No.133 of 2

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.02.2026

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

Review Appln. No.133 of 2021

M.Jayachandran

...Petitioner

Vs.

1.The Secretary, Department of School Education,
The Government of Tamil Nadu,
Fort St. George, Chennai – 600 009.

2.The Director of School Education,
D.P.I.Campus, College Road,
Chennai – 600 006.

3.V.Harimoorthy

...Respondents

PRAYER: This Review Application has been filed under Order XLVII Rule 1 read with Section 114 of the Code of Civil Procedure, praying to review the order dated 24.02.2021 made in W.A.No.2792 of 2019.

For Petitioner : Mr.Johnson

For Respondents : Mr.K.H.Ravi Kumar
Govt. Advocate

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ORDER

(Order of the Court was made by S.M.SUBRAMANIAM, J.)

The present Review Application has been instituted to review the judgment dated 24.02.2021 passed in W.A.No.2792 of 2019.

2. Mr.Johnson, learned counsel appearing for the review petitioner would vehemently contend that the legal position with reference to Rules applicable has not been considered by the Division Bench while passing order. Therefore, the order in Writ Appeal is to be reviewed. He would commence his arguments by referring to Service Rules applicable for promotion and seniority, more specifically to the post of PG Assistants in the Education Department.

3. It is the dispute between the direct recruits appointed through TNPSC and Secondary Grade Teachers who were appointed as PG Assistants by way of transfer of service. The issues raised have already been decided by the Hon'ble Supreme Court of India and relying on the said decision, this Court passed on orders on 15.07.2024 in W.A.Nos.1295, 1296 and 1297 of 2012. The relevant paragraphs in the said judgment are extracted hereunder:-

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3. Pursuant to the upgradation of High Schools as Higher Secondary Schools from the year 1978 – 1981, the seniority dispute aroused and various litigations have been instituted. During the earlier round of litigation, by the judgment dated 24.11.2004, Division Bench decided that the seniority in respect of the Teacher appointed to Higher Secondary School would be formulated as follows:-

“As regards the first category of teachers, those appointed between 01.07.1978 and 28.04.1981, their seniority will be reckoned from the date on which they acquire the required qualification, provided that they do so within such time as extended by the Government and subject to the concurrence of the Tamil Nadu Public Service Commission.

As regards the second category of teachers, those appointed after 28.04.1991 and selected by the Tamil Nadu Public Service Commission, their seniority will be fixed as per the Tamil Nadu Public Service Commission list.

As regards the third category of teachers, those appointed after 28.04.1981 and who have not been selected by the Tamil Nadu Public Service Commission and whose services would rank below the last candidate selected by the Tamil Nadu Public Service Commission. This will depend on the seniority list published by the Tamil Nadu Public Service Commission and after the last candidate so selected, the seniority of the teachers whose services have been regularised by G.O.Ms.No.1813 dated 12.12.1988 will be fixed.”



4. Challenging the Judgment of the Division Bench cited supra, an appeal was filed before the Hon'ble Supreme Court of India. The Apex Court by judgment dated 15.05.2009 in Civil Appeal Nos.358 to 84 of 2009, confirmed the said judgment. Accordingly, the issue relating to fixation and re-fixation of seniority was finalised and promotions are being granted continuously to the Teachers. Thus, settled seniority pursuant to the orders of the Division Bench as confirmed by the Hon'ble Supreme Court need not be revisited by this Court through the present litigation. Therefore, we are not inclined to consider the grounds raised in the Writ Appeals. Consequently, all the Writ Appeals are dismissed. No costs. Connected miscellaneous petitions are closed."

4. As far as the present case is concerned, attempt made by the learned counsel for the petitioner is to re-argue the case on merits, which cannot be entertained in review proceedings. Scope of review cannot be expanded for considering the grounds of appeal or to re-consider the finding already made on merits. An erroneous finding would not provide a cause for institution of review proceedings and the grounds of appeal cannot be grounds for review.

5. Therefore, re-adjudication or re-appreciation of facts or grounds raised in the Writ Petition and considered by this Court would not provide a



cause for entertaining the Review Application. In view of the fact that this Court does not find an error apparent warranting interference in exercise of powers of review jurisdiction, the present Review Application is **dismissed**.

No costs.

(S.M.S., J.) (C.K., J.)
23.02.2026

dsa
Internet :Yes/No
Index :Yes/No
Neutral Citation :Yes/No

To:

- 1.The Secretary, Department of School Education,
The Government of Tamil Nadu,
Fort St. George, Chennai – 600 009.
- 2.The Director of School Education,
D.P.I.Campus, College Road,
Chennai – 600 006.



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S.M.SUBRAMANIAM, J.
and
C.KUMARAPPAN, J.

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