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Rev.Aplw(MD) No.9 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 17-04-2026

PRONOUNCED ON : 12.06.2026

CORAM

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

Rev.Aplw.(MD) No. 9 of 2026

Against

W.P.(MD) No. 30570 of 2024

E.Raman

..Appellant(s)

Vs.

1.The Director of Elementary Education
College Road, Chennai-6.

2.The Chief Educational Officer
Tenkasi District, Tenkasi.

3.The District Educational Officer
Tenkasi District, Tenkasi.

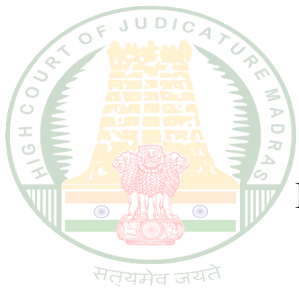
4.The Correspondent
Arambajothi Middle School
West Ilanji, Ilanji Post
Tenkasi Taluk & District.

..Respondent(s)

Prayer : This Review is filed to review the order dated 09.01.2026 in W.P.
(MD) No. 30570 of 2024 on the file of this Court.

For Petitioner(s):

Mr.S.Chella Pandian



For Respondent(s):

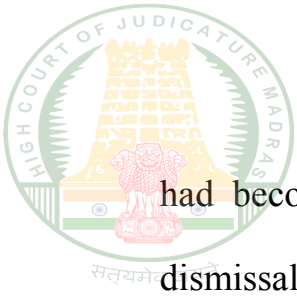
Mr.T.Amjad Khan (GA) (RR1 to 3)
Mr.Suresh (R4)

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ORDER

Heard Mr.S.Chella Pandian, learned counsel for the review petitioner and Mr.T.Amjad Khan, learned Government Advocate appearing for the 1st to 3rd respondents, and Mr.Suresh, learned counsel for the 4th respondent.

2. The learned counsel appearing for the Review Petitioner would submit that the Hon'ble Court in the order under Review had only entitled the petitioner for the salary that is to be paid as determined by the Division Bench of this Court. He would submit that the Division Bench had not disturbed the earlier finding wherein this Court had directed to consider the petitioner's case and transfer the post of Craft Instructor from the 4th respondent school to any other school, and also to sympathetically consider the payment of salary. Pursuant to the same, the respondents had passed an order rejecting the transfer of the said post, which came to be challenged by the petitioner in a writ petition before this Court, the same was dismissed and was taken on by a way of an intra-Court Appeal, wherein the Division Bench of this Court while dismissing the intra-Court Appeal, finding that the orders made in the Contempt Petition



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had become final and binding on the educational authorities, held that the dismissal of the appeal will not in any manner prejudice the appellant, who is the petitioner in the Review Petition, to pursue the relief granted in his favour in the Contempt Petition vide order dated 15.07.2009. Hence, he would submit that his right to seek approval of his appointment in the 4th respondent school would still subsist and therefore, the order passed holding that the matter had come to rest in respect of approval is an error apparent on the face of the restricting and resisting it only to the payment of the salary as directed by the Division Bench is a consequence to the erroneous direction and the relief sought for by the petitioner to approve the petitioner's appointment would have to be reconsidered by this Court.

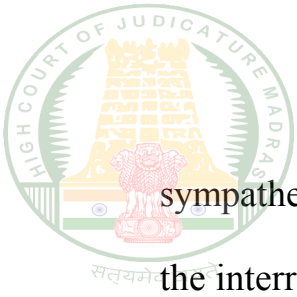
3. He would also rely upon the affidavit filed by the 4th respondent and submit that the post could also be sanctioned in the 4th respondent school as the 4th respondent had sympathetically undertaken to surrender the post of Craft Instructor (Agriculture) on retirement of the Review Petitioner, who would also superannuate within a short period as he would only have six years of service left.

4. Mr.Suresh, learned counsel appearing for the 4th respondent school would also stand by the affidavit that had been filed in the present Review



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5. However, countering his arguments, the learned Government Advocate appearing for the 1st to 3rd respondents would vehemently contend that the person holding the post before the petitioner, who was appointed in a post of the Vocational Instructor was transferred to the 4th respondent school along with the teacher as it was found that such post, which was in another aided school, has become surplus. The 4th respondent school was not entitled for Vocational Instructor and the same was only made on a humanitarian consideration. He would further submit that the post was not a sanctioned post in the 4th respondent school. On the retirement of the incumbent, the post held then would have to be surrendered to the department. Without doing so, the 4th respondent had appointed the petitioner to the school and this Court in W.P. No. 1870 of 2005 had directed to consider the claim. As there was a delay in consideration, a Contempt Petition came to be filed and in the interregnum, an order of rejection also came to be passed. The said order of rejection was challenged in the W.P. No. 137/2005 and the said writ petition along with the contempt petition were taken up and were disposed of by this Court by a common order on 15.07.2009 by directing the educational authorities to sympathetically consider the case of the petitioner and transfer the post of the Craft Instructor from the 4th respondent school to any nearby school and also to



sympathetically consider the request of the petitioner for payment of salary in the interregnum.

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6. He would further submit that pursuant to the said directions, the claim for approval was rejected and the same came to be challenged by the petitioner in W.P. (MD) No. 1576 of 2011 and the learned Single Judge holding that the school was not entitled to have the said sanctioned post, dismissed the writ petition affirming the order passed by the authorities. The intra-Court appeal was filed and the said intra-Court appeal came to be dismissed affirming the order of the learned Single Judge that the 4th respondent school was not entitled to appoint the petitioner as the same was not the sanctioned post in the said school. However, the Division Bench of this Court has observed the dismissal of the intra-Court Appeal or the Writ Petition would not prejudice the right of the appellant, who is the petitioner in the Review Petition, to pursue the relief granted in his favour in the Contempt Petition, which relates only to the payment of salary and not to the approval for the post. Hence, he would seek dismissal of the Review Petition.

7. I have considered the submissions of the learned counsel appearing on either side.



8. It is the claim of the Review Petitioner that in view of the liberty that had been granted by the Division Bench of this Court in W.A. (MD) No. 450 of 2013, the right of the petitioner for being considered for grant of an approval in the sanctioned post by either transferring it to the nearby school would still subsist and that this Court had failed to consider such liberty, but restricted such liberty only for grant of salary during that said period, which would have to be revisited by the Courts.

9. The issue that is now to be decided is whether there was a material error on the face of the record for this Court to review the order dated 09.01.2026. The Division Bench of this Court in the intra-Court appeal in W.A. (MD) No. 450 of 2013 was testing the findings of the learned Single Judge viz-a-viz the directions issued by the learned Single Judge of this Court in an earlier round of litigation in W.P. (MD) No. 1870 of 2005, the Contempt Petition No. 191 of 2005 and the order made in W.P. (MD) No. 2317 of 2005 analysing these judgments,

10. The petitioner was appointed as a Vocational Instructor in a vacancy that arose due to the death of the said incumbent in the post that was transferred to the 4th respondent school along with the Instructor concerned. Earlier, the



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Review Petitioner had moved this Court in W.P. (MD) No. 1870 of 2005, wherein this Court by order dated 21.04.2005 had directed the educational authorities to consider the claim made by the petitioner within a stipulated period. As there was a violation, a contempt petition in Contempt Petition (MD) No. 191 of 2005 came to be filed and in the interregnum, the claim of the petitioner came to be rejected and the 4th respondent school had initiated in W.P. (MD) No. 2317 of 2005. Both the Contempt Petition filed by the petitioner and the Writ Petition filed by the 4th respondent were taken up for hearing together and in the common order dated 15.07.2009, the following directions came to be passed:-

“10. The proceedings of the District Elementary Educational Officer, Tirunelveli District, dated 31.10.2003 addressed to the School, would indicate that in post of full time craft instructor has been sanctioned for a period from 01.06.2002 to 31.05.2005 for 6th standards, there will not be any grant. It is clear from the said proceedings that the students strength in respect of 6th standard alone has been taken into consideration and in that event, the petitioner’s school is entitled to have a full time craft teacher. However, this Court taking into consideration the fact that the petitioner is working in Arambajothi Middle School, ilanji for about 7 years, with effect from 02.06.2002 and without



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receiving any salary, deem fit and proper to direct the respondents to consider the transfer of post of craft instructor (Agriculture) along with the teacher to some other needy school and accommodate the petitioner therein. This Court is inclined to pass such an order in view of the peculiar circumstances of the case and taking into consideration the plight being undergone by the petitioner.

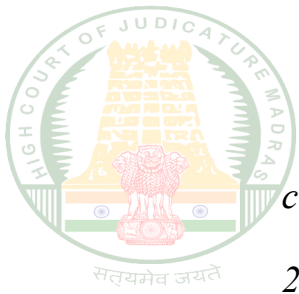
11. In the result the writ petition as well as the contempt petition is disposed of directing the respondents to sympathetically consider the case of the petitioner and transfer the post of craft instructor (agriculture) from Arambajothi Middle School along with the petitioner to any other needy school and pass appropriate order as expeditiously possible. The respondents are also directed to sympathetically consider the request of the petitioner for payment of the salary during the period in which he rendered service consequently, miscellaneous petition and sub application are closed. No costs.”

11. Pursuant to the said directions, the issue was again taken up by the authorities and an order of rejection came to be passed, which was subject matter of *lis* in W.P. (MD) 1576 of 2011, at the instance of the Review



Petitioner. The said Writ Petition came to be dismissed against which the Review Petitioner had preferred in intra-Court Appeal in W.A (MD) No. 450 of 2013 and the same came to be dismissed with certain observations. For better appreciation, the relevant paragraphs are extracted hereunder:-

“10. In the above factual background, it has to be seen as to whether the fifth respondent School has been sanctioned the post of Full-Time Craft Instructor (Agriculture). The proceedings of the third respondent, dated 21.04.1997, shows that the post of Full-Time Instructor (Agriculture) was originally sanctioned in Govindaperi Gnanam Marava Middle School and one Mr.Nazeer Ahamed Ibrahim was working as a Craft Teacher in the said School in the said post. The post of Full-Time Craft Teacher had become surplus and therefore, the Government had resumed the said post from the said Govindaperi Gnanam Marava Middle School. Considering the fact that an incumbent was working at that point of time, the third respondent directed the fifth respondent School to accommodate the said incumbent and therefore, the post was transferred to the fifth respondent School. Thus, it is clear that there is no sanction in respect of the post of Full-Time Craft Teacher for the fifth respondent School. Taking into



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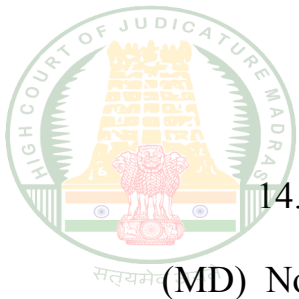
consideration the students strength and the proceedings, dated 21.04.1997, an interim arrangement appear to have been made to accommodate the said Mr.Nazeer Ahamed Ibrahim. The said teacher subsequently died. On his demise, the post ought to automatically revert back to Department pool. But, the fifth respondent School appointed the appellant /writ petitioner in the said post. When there is no dispute that the post was not sanctioned to the fifth respondent School, the question of appointing a fresh incumbent in the post occupied by the said Nazeer Ahamed Ibrahim pursuant to the interim arrangement is not permissible. Thus, the learned Single Judge was perfectly right in dismissing the writ petition.

11. As noticed above, the orders passed in the contempt petition in Cont.P. No. 191 of 2005, which had arisen out of the writ petition filed by the appellant /writ petitioner, have become final and binding on the Educational Authorities, therefore, the dismissal of this appeal will not in any manner prejudice the appellant's rights to pursue the relief granted in his favour in the contempt petition vide order dated 15.07.2009."



12. A reading of the aforesaid judgments extracted above would indicate that the post of Vocational Instructor was not a sanctioned post in the 4th respondent school and that appointing a fresh incumbent in the post occupied by the then incumbent was not permissible as it was only an interim arrangement and thus, the Division Bench had upheld the order of dismissal of the Writ Petition. However, considering the orders issued in the Contempt Petition, the Division Bench had made an observation that dismissal of the Appeal will not prejudice the right of the appellant, who is the petitioner in the Review Petition, to pursue the relief granted in his favour in the Contempt Petition.

13. It is to be noted that a composite order in the Contempt Petition and in the Writ Petition was made by the learned Single Judge as early as in the year 2009. In the composite order, two directions were issued. The first direction was a direction directing the educational authorities to consider the case of the petitioner/4th respondent school and transfer the said post to a nearby needy school along with the petitioner. The second direction was to sympathetically consider the case of the petitioner for grant of salary for the period worked. Both these directions were acted upon by the educational authorities and were rejected.



14. A challenge to the same had been made by the petitioner in W.P. (MD) No. 1576 of 2011 and the learned Single Judge dismissed the Writ Petition. A challenge had been made by the writ petitioner by way of intra-Court Appeal in W.A. (MD) No. 450 of 2013. The Division Bench of this Court while affirming the order of the learned Single Judge had issued a direction granting the liberty to the petitioner to pursue the relief granted in his favour in the Contempt Petition dated 15.07.2009.

15. As noted above, in the order dated 15.07.2009, there were two directions issued and in respect of one of the directions, viz., the direction to approve the appointment, the *lis* came to be put to rest by dismissal of the intra-Court Appeal upholding that the order of rejection to approve the petitioner's appointment. Therefore, what was left to be agitated was only with respect of right to claim salary as per the second limb of the direction issued in the order dated 15.07.2009.

16. In such view of the matter, this Court do not find any material error much less error apparent on the face of the record to review the order.

17. Accordingly, this Review Petition fails and dismissed. No order as to



12-06-2026

WEB COPY Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

Maya

To

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Tenkasi District, Tenkasi.

3.The District Educational Officer
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K.KUMARESH BABU, J.

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