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Rev.Aplw.No.55 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

Rev. Aplw.No.55 of 2026

in W.P.No.480 of 2026

Dr.M.Sarth Sadayappan
S/o. S.Mani,
3/350 14th Street,
Shanthi Nagar, Palayamkottai,
Tirunelveli-627 002

Applicant

Vs

- 1.State of Tamil Nadu
rep. by its Secretary to Government,
Health and Family Welfare
Department,
Fort St. George, Chennai-600 009
- 2.The Director
Directorate of Medical Education,
Poonamallee High Road,
Chennai-600 010
- 3.The Director of Medical and
Rural Health Services
DMS Campus, Teynampet,
Chennai-600 006



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4.The Chairman
Medical Services Recruitment Board (MRB)
7th Floor, DMS Buildings,
358, Anna Salai, Teynampet,
Chennai-600 006

5.The Chief Secretary
Government of Tamil Nadu,
Secretariat, St. George Fort,
Chennai-600 009

Respondents

PRAYER : Review Application filed under Order 47, Rule 1 read with Section 114 of CPC to review the order dated 19.01.2026 passed in W.P.No.480 of 2026.

For Applicant: Mr.S.Mani

For Respondents: Mr.K.Karthik Jagannath
Government Advocate
for R1 to R3 and R5

ORDER

(Order of the court was made by the Hon'ble Chief Justice)

This review application has been filed to review the order dated 19.01.2026 passed by a Division Bench of this Court in W.P.No.480 of 2026.



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2. Learned counsel for the applicant, inter alia, submitted that the order dated 19.1.2026 suffers from an error apparent on the face of record due to the inadvertent mistake of the applicant and the counsel for the applicant and, therefore, the same warrants review. He would submit that the educational qualification for direct recruitment is not offered in Tamil medium in the State of Tamil Nadu is not at all raised and discussed in the earlier orders referred to in the order, of which review is sought.

3. Learned counsel for the applicant further submitted that when the particular Diploma, UG and PF courses are not offered in Tamil medium, the benefits of PSTM Act should be given to the persons who completed their school education from Class I to XII through Tamil medium. However, the respondents wrongly interpreted the orders passed in W.P.(MD) No.8025 of 2020 and W.P.No.2401 of 2022 and the orders passed in the aforesaid writ petitions are not connected with the facts of the case of the applicant.

4. Learned counsel for the applicant submitted that the applicant

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approached this Court for entirely a different relief and, therefore, the order dated 19.1.2026 is liable to be reviewed.

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5. Per contra, learned Government counsel submitted that upon due consideration of the submissions canvassed by the parties and upon perusing the earlier orders of this Court as well as the order of the Supreme Court, this Court dismissed the writ petition. Therefore, there is no need to review the order dated 19.1.2026 passed by this Court.

6. Before analyzing whether the grounds raised by the applicant fall within the ambit of the power conferred on this Court under Section 114 read with Order 47 Rule 1 of Civil Procedure Code, it is apposite to refer to the scope of review jurisdiction, as enunciated by the Apex Court in a recent judgment in the case of *Malleeswari v. K.Suguna and another*¹, after referring to a catena of decisions, in the following terms:

"15. It is axiomatic that the right of appeal cannot be assumed unless expressly conferred by the statute or the rules having the force of a statute. The review jurisdiction cannot be assumed unless it is conferred by

¹ 2025 INSC 1080



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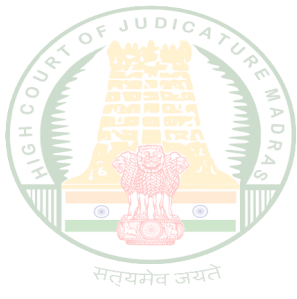
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law on the authority or the Court. Section 114 and Order 47, Rule 1 of CPC deal with the power of review of the courts. **The power of review is different from appellate power and is subject to the following limitations to maintain the finality of judicial decisions:**

15.1 The review proceedings are not by way of an appeal and have to be strictly confined to the scope and ambit of Order 47 Rule 1 of CPC [Meera Bhanja v. Nirmala Kumari Choudhury, (1995) 1 SCC 170].

15.2 Review is not to be confused with appellate powers, which may enable an appellate court to correct all manner of errors committed by the subordinate court [Aribam Tuleswar Sharma v. Aribam Pishak Sharma, (1979) 4 SCC 389].

15.3 In exercise of the jurisdiction under Order 47 Rule 1 of CPC, it is not permissible for an erroneous decision to be reheard and corrected. A review petition, it must be remembered, has a limited purpose and cannot be allowed to be an appeal in disguise [Parsion Devi v. Sumitri Devi, (1997) 8 SCC 715].



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15.4 *The power of review can be exercised for the correction of a mistake, but not to substitute a view. Such powers can be exercised within the limits specified in the statute governing the exercise of power [Lily Thomas v. Union of India, (2000) 6 SCC 224].*

15.5 *The review court does not sit in appeal over its own order. A rehearing of the matter is impermissible. It constitutes an exception to the general rule that once a judgment is signed or pronounced, it should not be altered [Inderchand Jain v. Motilal, (2009) 14 SCC 663]. Hence, it is invoked only to prevent a miscarriage of justice or to correct grave and palpable errors [Shivdev Singh v. State of Punjab, AIR (1963) SC 1909].*

16. To wit, through a review application, an apparent error of fact or law is intimated to the court, but no extra reasoning is undertaken to explain the said error. The intimation of error at the first blush enables the court to correct apparent errors instead of the higher court correcting such errors. At both the above stages, detailed reasoning is not warranted.

17. *Having noticed the distinction between the power of review and appellate power, we restate the power*



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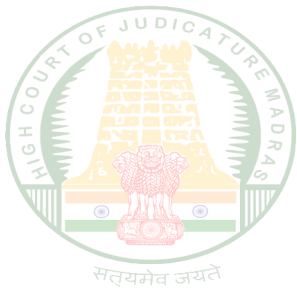
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and scope of review jurisdiction. Review grounds are summed up as follows:

17.1 The ground of discovery of new and important matter or evidence is a ground available if it is demonstrated that, despite the exercise of due diligence, this evidence was not within their knowledge or could not be produced by the party at the time, the original decree or order was passed.

17.2 **Mistake or error apparent on the face of the record may be invoked if there is something more than a mere error, and it must be the one which is manifest on the face of the record** [Hari Vishnu Kamath v. Syed Ahmad Ishaque, (1955) 1 SCR 1104]. Such an error is a patent error and not a mere wrong decision [T.C. Basappa v. T. Nagappa, AIR (1954) SC 440]. **An error which has to be established by a long-drawn process of reasoning on points where there may conceivably be two opinions can hardly be said to be an error apparent on the face of the record** [Satyanarayan Laxminarayan Hegde v. Mallikarjun Bhavanappa Tirumale, AIR (1960) SC 137].

17.3 Lastly, the phrase 'for any other sufficient reason' means a reason that is sufficient on grounds at least analogous to those specified in the other two



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categories [Chhajju Ram v. Neki, 1922 SCC OnLine PC 11 and approved in Moran Mar Basselios Catholicos v. Mar Poulouse Athanasius, AIR (1954) SC 526].

18. Courts ought not mix up or overlap one jurisdiction with another jurisdiction..."

[emphasis supplied]

7. Though we have heard the submissions of learned counsel for the applicant and learned Government counsel against the order passed in the writ petition, in the light of the limited power conferred upon Courts exercising review jurisdiction under Section 114 and Order 47 Rule of CPC, as has been held by the Apex Court in the aforesaid decision, we shall now consider the plea raised in the review application bearing in mind the scope of review jurisdiction.

8. According to the applicant, he has approached this Court for entirely different relief and the orders of the two writ petitions, being W.P.(MD) No.8025 of 2020 and W.P.No.2401 of 2022, referred to in the order dated 19.1.2026 by this Court are not at all related to the facts of the instant case.



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9. In the order dated 19.1.2026, this Court has categorically observed as under:

"3. We have gone through the order dated 22.03.2021 passed by a Division Bench of this Court in W.P.(MD) No.8025 of 2020 and also the order passed thereafter in another writ petition in W.P.No.2401 of 2022 on 13.06.2022.

4. The order dated 22.03.2021 passed in W.P.(MD) No.8025 of 2020 was challenged before the Supreme Court also, where, validity of Section 2(d) of the Tamil Nadu Appointment of Preferential Basis in the Services under the State of Persons studied in Tamil Medium Act, 2010 was upheld affirming the judgment of the High Court. Therefore, there is no merit in this petition. Accordingly, it is dismissed. There shall be no order as to costs. Consequently, the interim applications are also dismissed."

10. As stated supra, in order to seek review, it has to be demonstrated that the order suffers from an apparent error as contemplated under Order 47, Rule 1 of CPC. A decision or order cannot be reviewed merely because it is erroneous. Review proceedings are not appellate proceedings and have to be strictly confined to the scope and ambit of Order 47, Rule 1 of CPC. The



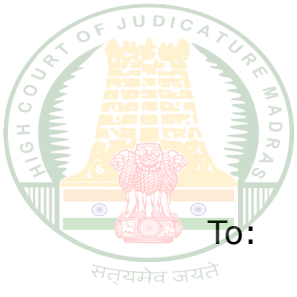
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grounds that are raised by the applicant in this review are not grounds to review the order. The alleged error, which is being pointed out, cannot be established except by a long-drawn process of reasoning on points. This Court exercising review jurisdiction cannot rehear the matter on merits in the absence of there being an apparent error.

As an upshot of the above discussion and the pronouncements of the Supreme Court, the review application fails and is hereby dismissed. There shall be no order as to costs.

(SUSHRUT ARVIND DHARMADHIKARI, CJ) (G.ARUL MURUGAN,J)
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Index : Yes/No
Neutral Citation : Yes/No
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THE HON'BLE CHIEF JUSTICE
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G.ARUL MURUGAN,J.

(sasi)

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