

GAHC010004852017



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Review.Pet./141/2018

LONGSING TERANG and ANR
S/O- LATE KANIA TERANG, R/O- VILL- ENGLANG GAON, P.O-
RAJAPATHAR, DIST- KARBI ANGLONG, ASSAM, PIN- 782460

2: SRI TAPAN KHEMPRAI
S/O LT. JAWAHARLAL KEMPRAI
R/O VILL- HAJAGAPHER
P.O. FOREST BAZAR
P.S. KHERONI
DIST.KARBI ANGLONG
ASSAM
PIN- 78246

VERSUS

THE STATE OF ASSAM and 107 ORS
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT OF ASSAM,
EDUCATION DEPTT, DISPUR, GHY- 06

2:THE KARBI ANGLONG AUTONOMOUS COUNCIL

REP. BY THE PRINCIPAL SECRETARY
DIPHU

KARBI ANGLONG
PIN - 782460.

3:THE DEPUTY SECRETARY (T) IN-CHARGE EDUCATION

KARBI ANGLONG AUTONOMOUS
DIPHU

PIN - 782460.

4:THE INSPECTOR OF SCHOOL

KARBI ANGLONG DISTRICT CIRCLE
DIPHU

PIN - 782460.

5:THE JOINT SECRETARY

EDUCATION DEPARTMENT (HIGHER) KARBI ANGLONG AUTONOMOUS
COUNCIL

DIPHU

KARBI ANGLONG
PIN- 782460

6:RAMESH SARMA

HEAD ASSISTANT OFFICE OF THE INSPECTOR OF THE INSPECTOR OF
SCHOOLS

KARBI ANGLONG
DIPHU

PIN - 782460.

7:SURESH GHOSH

PA TO THE INSPECTOR OF SCHOOLS

KARBI ANGLONG
DIPHU

PIN - 782460

8:B. PATHAK

HEAD ASSISTANT OFFICE OF THE INSPECTOR OF SCHOOLS

KARBI ANGLONG
DIPHU

PIN - 782460.

9:SRI RUPESH KUMAR DAS

OK- KERENG HIGH SCHOOL

P.O. OK- KERENG

DIST. HEAD ASSISTANT OFFICE OF THE INSPECTOR OF SCHOOLS KARBI

ANGLONG
PIN - 782456.

10:SMTI. RUPAMANI SARMA (BORA)
TUMPRENG H.S. SCHOOL

P.O. TUMPRENG
DIST. KARBI ANGLONG
PIN - 782452.

11:SRI REBA KANTA BORDOLOI
BHOKSONG HIGH SCHOOL

P.O. BHOKSONG
VIA- LOUPANI
DIST. KARBI ANGLONG
PIN -782435

12:SMTI. CHITRALEKHA BEYPI
HAMREN GIRLS HIGH SCHOOL

P.O. HAMREN
DIST. KARBI ANGLONG
PIN -782432

13:SMTI. JUNALI BARUAH
BORPATHAR HIGH SCHOOL

P.O. BORPATHAR
DIST. KARBI ANGLONG
PIN -782434

14:SRI JEEL KUJUR
KARKOK HIGH SCHOOL

P.O. KACHUPUKHURI
DIST. KARBI ANGLONG
PIN -782438

15:SMTI. KHAIRUN NESSA
DIPHU GOVT. BOYS H.S. SCHOOL

P.O. DIPHU
DIST. KARBI ANGLONG
PIN -782460

16:SMTI JONALI UZIR
DENGAON HIGH SCHOOL

P.O. DUAR BAMUNI
DIST. KARBI ANGLONG
PIN -782437

17:SRI KRISHNA PRASAD SARMA
HAWAIPUR HIGH SCHOOL

P.O. HAWAIPUR
DIST. KARBI ANGLONG
PIN -782446

18:SRI CHANDRA KANTA NATH
RONGKUT HIGH SCHOOL
P.O. RONGKUT
DIST. KARBI ANGLONG
PIN -782448

19:SRI HOMESWAR PATHAK
DILLAI HIGH SCHOOL

P.O. DILLAI
DIST. KARBI ANGLONG
PIN -782447

20:SRI BAPAN DAS
MENMEJI HIGH SCHOOL

P.O. MENMEJI
DIST. KARBI ANGLONG
PIN -782478

21:SRI JANATHAN ENGTI
HAMREN GOVT. H.S. SCHOOL

P.O. HAMREN
DIST. KARBI ANGLONG
PIN -784475

22:SRI GOURI SANKAR DHEKIAL PHUKAN
SARIHAJAN HIGH SCHOOL

P.O. SARIHAJAN
DIST. KARBI ANGLONG
PIN -782478

23:SRI BINOY SINGHA
HAWAIPUR HIGH SCHOOL

P.O. HAWAIPUR
DIST. KARBI ANGLONG
PIN -782446

24:SRI PRANJIT GOGOI
BALIPATHAR H.S. SCHOOL

P.O. BALIPATHAR
DIST. KARBI ANGLONG
PIN -782448

25:SRI HIMANGSU SARMA
DENGAON HIGH SCHOOL

P.O. DUAR BAMUNI
DIST. KARBI ANGLONG
PIN -782446

26:SRI HARENDRA KUMAR NATH
DONKAMOKAM HIGH SCHOOL

P.O. DONKAMOKAM
DIST. KARBI ANGLONG
PIN -782447

27:SRI ASHIM SANYAL
B.K.B. PARKUP PAHAR H.S. P.O. PARKUP PAHAR
DIST. KARBI ANGLONG
PIN -782447

28:SRI RANJAN SARMA
DEOPANI HIGH SCHOOL

P.O. DEOPANI
DIST. KARBI ANGLONG
PIN -782457

29:SRI ARNAB KUMAR BORA
RANGSINA HIGH SCHOOL

P.O. KHERONI
DIST. KARBI ANGLONG
PIN -782446

30:SRI RAJU NAYAR
LONGNIT HIGH SCHOOL

P.O. LONGNIT
DIST. KARBI ANGLONG
PIN -782466

31:SRI JINTU MONI PHUKAN
MAILOO ASSAMESE H. SCHOOL
P.O. MAILOO
DIST. KARBI ANGLONG
PIN -782467

32:SRI GOPAL MAJUMDER
BORNEWRIA M.E. SCHOOL
P.O. BORNEWRIA
DIST. KARBI ANGLONG
PIN -782444

33:SRI DURGA PRASAD UPADHAYA
DHANSIRI HIGH SCHOOL

P.O. DHANSIRI
DIST. KARBI ANGLONG
PIN -782443

34:KANCHAN DEVI
BAITHALANGSO H.S. SCHOOL

P.O. BAITHALANGSO
DIST. KARBI ANGLONG
PIN -782473

35:SRI SIDHARTHA DEB
HAMREN GOVT. H.S. SCHOOL

P.O. HUMREN
DIST. KARBI ANGLONG
PIN -782477

36:SRI RADHA GOBINDA CHAKRABORTY
DOKMOKA H.S. SCHOOL

P.O. DOKMOKA
DIST. KARBI ANGLONG
PIN -782478

37:SRI DHANTI MEDHI
BAKALIAGHAT H.S. SCHOOL

P.O. BAKALIAGHAT

DIST. KARBI ANGLONG
PIN -782481

38:SRI SRIKANT SINGH
GOVT. HINDI TEACHERS TRAINING CENTRE DIPHU
P.O. DIPHU
DIST. KARBI ANGLONG
PIN -782466

39:SRI SUBRATA ROY
VIVEKANANDA M.E. SCHOOL
P.O. BOKAJAN
DIST. KARBI ANGLONG
PIN -782480

40:SMTI RITANJALI PATHAK
KHORSING TERANG H/SCHOOL
P.O. JAPARAJAN
DIST. KARBI ANGLONG
PIN -782446

41:SRI GREGORY LAKRA
KHORSING TERANG H/SCHOOL

P.O. JAPARAJAN
DIST. KARBI ANGLONG
PIN -782446

42:SMTI. SANTA CHETRY
DIPHU GOVT. BOYS H.S. SCHOOL

P.O. DIPHU
DIST. KARBI ANGLONG
PIN -782460

43:SRI NABIN KILLING
DIPHU GOVT. BOYS H.S. SCHOOL

P.O. DIPHU
DIST. KARBI ANGLONG
PIN -782460

44:SRI SANJOY PHANGCHO
BAKALIAGHAT GOVT. M.V. SCHOOL
P.O. BAKALIAGHAT
DIST. KARBI ANGLONG
PIN -782482

45:SMTI. NISSO TERANGPI
BAKALIAGHAT H.S. SCHOOL

P.O. BAKALIAGHAT
DIST. KARBI ANGLONG
PIN -782482

46:SRI RAM CHANDRA TIMUNG
BAKALIAGHAT H.S. SCHOOL

P.O. BAKALIAGHAT
DIST. KARBI ANGLONG
PIN -782482

47:SRI DAMAN BASUMATARY
LANGHIN PAMGAON H/SCHOOL

P.O. LANGHIN
DIST. KARBI ANGLONG
PIN -782472

48:SRI PRABIN BASUMATARY
LANGHIN PAMGAON H/SCHOOL
P.O. LANGHIN
DIST. KARBI ANGLONG
PIN -782472

49:SRI SATYAJIT SONAR
LANGHIN PAMGAON H/SCHOOL

P.O. LANGHIN
DIST. KARBI ANGLONG
PIN -782472

50:SMTI. NANDITA RONGPIPI
MERROK GOVT. M.E. SCHOOL

P.O. DUAR BAMUNI
DIST. KARBI ANGLONG
PIN -782477

51:SMTI. MONALISA BORDOLOI
BAKALIAGHAT GOVT. M.V. SCHOOL

P.O. BAKULIAGHAT
DIST. KARBI ANGLONG
PIN -782481

52:SRI HABAKUK BEY
UMKHYRMI GOVT. M.E. SCHOOL

P.O. ZIRIKINDING
DIST. KARBI ANGLONG
PIN -782478

53:SMTI. SMITA ENGTIPI
RAJAPATHAR HIGH SCHOOL

P.O. RAJAPATHAR
DIST. KARBI ANGLONG
PIN -782465

54:SRI PARTHA PRATIM GHOSH
BINAPANI HIGH SCHOOL

P.O. DIPHU
DIST. KARBI ANGLONG
PIN -782460

55:SMTI. MINATI PATHAK
VIVEKANANDA M.E. SCHOOL

P.O. BOKAJAN
DIST. KARBI ANGLONG
PIN -782480

56:SRI JENSING ENGLENG
JALUKLANGTENG ME SCHOOL

P.O. AMTERENG
DIST. KARBI ANGLONG
PIN -782479

57:SMTI. MANJU KUMARI
LANGCHOLIATE HINDI M.E. SCHOOL

P.O. LANGCHOLIATE
DIST. KARBI ANGLONG
PIN -782478

58:SRI RANJIT TERONG
RONGPONGBONG GANDHI
MEMORIAL M.E. SCHOOL

P.O. HAMREN
DIST. KARBI ANGLONG

PIN -782476

59:SMTI. KAUSALYA SAIKIA
SILDUBI M.E. SCHOOL

P.O. SILDUBI
DIST. KARBI ANGLONG
PIN -782460.

60:SRI HEMAI PHANGCHO
RONGBONGGHAT M.E. SCHOOL

P.O. BAKIA (LETEKUJAN)
DIST. KARBI ANGLONG
PIN - 782481.

61:SMTI. RITU RANI DEVI
TARADUBU M.E. SCHOOL

P.O. TARADUBI
DIST. KARBI ANGLONG
PIN - 782481

62:SRI SIKARI BEY
VOSOKOIDA ENGLISH M.E. SCHOOL

P.O. DONKAMOKAM
DIST. KARBI ANGLONG
PIN - 782441

63:SMTI. ARCHANA SAIKIA
THONGNOKBE M.E. SCHOOL

NEAR SIVAMANDIR
P.O. DIPHU
DIST. KARBI ANGLONG
PIN - 782460.

64:SRI PURNA HANSE
SARISUTI M.E. SCHOOL

P.O. CHOWKIHOLA
DIST. KARBI ANGLONG
PIN - 782441

65:SRI PABAN GOGOI
KOILAJAN D.A. M.E. SCHOOL

P.O. KOILAJAN
DIST. KARBI ANGLONG
PIN - 782435

66:SMTI ROMOLA ENGTIPI
DIPHU GOVT. GIRLS H/SCHOOL

P.O. DIPHU

DIST. KARBI ANGLONG
PIN - 782460

67:SMTI. UMA DEVI
RONGKARBI M.E. SCHOOL

P.O. HUMRAN
DIST. KARBI ANGLONG
PIN - 782473

68:SRI MUKESH KUMAR GHOSH
BINAPANI VIDYALAYA M.E. SCHOOL

P.O. DIPHU
DIST. KARBI ANGLONG
PIN - 782460

69:SRI BASANTA KUMAR BORAH
BADONG GOVT. ME SCHOOL

P.O. HAMREN
DIST. KARBI ANGLONG
PIN - 7824

70:SMTI. LALITA TALUKDAR
CHOWKIHOLA HIGH SCHOOL

P.O. CHOWKIHOLA

DIST. KARBI ANGLONG
PIN - 782475

71:RAKESH TIMUNG
RONGKOROI M.E. SCHOOL
P.O. SATGAON
DIST. KARBI ANGLONG
PIN - 782474

72:SMTI. SEEMA DEBNATH

RONGKOROI M.E. SCHOOL
P.O. SATGAON
DIST. KARBI ANGLONG
PIN - 782474

73:SMTI. DIPTI TIMUNGPI
HAWAIPUR HIGH SCHOOL

P.O. HAWAIPUR
DIST. KARBI ANGLONG
PIN - 782446

74:SRI ASWINI PATHAK
LUMBAJONG ME SCHOOL

P.O. LONGNIT
DIST. KARBI ANGLONG
PIN - 782484

75:SMTI. CHAMPA DEVI
KARKOK HIGH SCHOOL
P.O. KACHUPUKHURI
DIST. KARBI ANGLONG
PIN - 782488

76:SRI KAMAL CHANDRA BASUMATARY
PADUMPUKHURI M.E. SCHOOL

P.O. PHULONI
DIST. KARBI ANGLONG
PIN - 782481

77:SRI SURYA KANTA PRAZAPATI
PUTSARI M.E. SCHOOL

P.O. PUTSARI
DIST. KARBI ANGLONG
PIN - 782464

78:SRI RAJENDRA KUMAR BHUJEL
RONGHIDI M.E. SCHOOL

P.O. HUMRAN
DIST. KARBI ANGLONG
PIN - 782460

79:SMTI. SEEMA MAJUMDAR SAIKIA
MENMEJI HIGH SCHOOL

P.O.MENMIJI
DIST. KARBI ANGLONG
PIN - 782459

80:SRI DINESH KATHAR
HOWRAGHAT GOVT. M.E. SCHOOL

P.O.HOWRAGHAT
DIST. KARBI ANGLONG
PIN - 782457

81:SRI VINOD KUMAR CHOUHAN
PANJAN M.E. SCHOOL

P.O. BHITOR KOLIONI
DIST. KARBI ANGLONG
PIN - 782454

82:SMTI. LIKUMONI MAHANA
LANGHIN GOVT. M.E. SCHOOL

P.O.LANGHIN
DIST. KARBI ANGLONG
PIN - 782451

83:SMTI. PURBALI GOGOI
OK - KERANG HIGH SCHOOL

P.O. OK- KERENG
DIST. KARBI ANGLONG
PIN - 782453

84:SMTI. SUSMITA DEBNATH
RONGKUT HIGH SCHOOL
DIST. KARBI ANGLONG
PIN - 782460

85:SRI ASH BAHADUR CHETRY
DHANSIRI HIGH SCHOOL
P.O. DHANSIRI
DIST. KARBI ANGLONG
PIN - 782452

86:SMTI. DEEPA DEVI GOSWAMI
LANGHIN GIRLS HIGH SCHOOL

P.O.LANGHIN

DIST. KARBI ANGLONG
PIN - 782455

87:SRI ACHYUT KAKATI
D.C. COLONY
NEAR HOME
GUARD OFFICE

DIPHU
P.O. DIPHU
DIST. KARBI ANGLONG
PIN - 782460

88:SRI MINDOR TERON
C/O M.S. TERON RUKASEN DIPHU

P.O. DIPHU
DIST. KARBI ANGLONG
PIN - 782460

89:SMTI. SWARNALEE GOGOI
VILL AND P.O. BOKAJAN
DIST. KARBI ANGLONG
PIN - 782480

90:SRI SANJU BORA
VILL- AND P.O. BOKAJAN
DIST. KARBI ANGLONG
PIN - 782489

91:SRI ANUP KUMAR ROY
VILL AND P.O. BAITHALANGSO
DIST. KARBI ANGLONG
PIN - 782458

92:SRI DAYANAND RONGPI
VILL AND P.O. BAITHALANGSO
DIST. KARBI ANGLONG
PIN - 782458

93:SRI NIZAMUDDIN AHMED
C/O ABU MD. RAFIQUE
TREASURY OFFICE
DIPHU

P.O. DIPHU
DIST. KARBI ANGLONG
PIN - 782460

94:SRI UMA SANKAR TERON
VILL- RONGKHELAN
DIPHU
P.O. DIPHU
DIST. KARBI ANGLONG
PIN - 782460

95:SRI PARTHA HAJARIKA
VILL AND P.O. BAKALIAJAN
DIST. KARBI ANGLONG
PIN - 782480

96:SRI VINOD VERMA
VILL- SHANKARBASTI
P.O. BORLANGFAR
DIST. KARBI ANGLONG
PIN - 782455

97:SRI BIDHAN RANJAN PURKAYASTHA
C/O B.S. PURKAYASTHA
CONGRESS (I) OFFICE
DIPHU
P.O. DIPHU
DIST. KARBI ANGLONG
PIN - 782460.

98:SRI ANGJOK RONGPIPI
NEAR AMOLAPATTY L.P. SCHOOL
DIPHU
P.O. DIPHU
DIST. KARBI ANGLONG
PIN - 782460

99:SRI PHILIPSON BEY
C/O SRI RITOR BEY
DISTRICT AGRICULTURE OFFICE
DIPHU
P.O. DIPHU
DIST. KARBI ANGLONG
PIN - 782460

100:BIKASH HAANU
VILL- ADARSHA GAON
P.O. DHANSIRIPUR
DIST. KARBI ANGLONG

101:SMTI. MOUSUMI BORAH

VILL AND P.O. MOUSUMI BORAH
VILL AND P.O. ERADIGHALPANI
VIA HOWRAGHAT
DIST. KARBI ANGLONG
PIN - 782481

102:SMTI. MALINI PHANGSOPI
VILL- AND P.O. LURULANGSO
DIPHU
DIST. KARBI ANGLONG
PIN - 782460

103:SRI DAKIRAM TOKBI
C/O COUNCIL COLONY DIPHHU
P.O. DIPHU

DIST. KARBI ANGLONG
PIN - 782460

104:SMTI. BASAPI ENGTPI
VILL- RONGTHEAN
P.O. DIPHU
DIST. KARBI ANGLONG
PIN - 782460

105:SRI BHISSMA PAHAL
VILL- MUGASANG
P.O. TUMPRENG
DIPHU
DIST. KARBI ANGLONG
PIN - 782478

106:PRADIP PHANGCHO
VILL AND P.O. SATGAON
DIST. KARBI ANGLONG
PIN - 782480

107:SRI RANJIT KUMAR BORAH
VILL- PAMGAON
P.O. LANGHIN
DIST. KARBI ANGLONG
PIN - 782480

108:SRI PALASH BORA
VILL AND P.O. BOKAJAN
DIST. KARBI ANGLONG
PIN - 78248

BEFORE
HON'BLE MR. JUSTICE SANJAY KUMAR MEDHI

JUDGMENT & ORDER

Advocate for the petitioners: Shri P.K. Roy Choudhury, Advocate

Advocates for respondents : Shri J. Chutia, SC, KAAC, Advocate.
Shri M.K. Boro, Advocate,
Shri M. Agarwalla, Advocate,
Shri M. Mahanta, Advocate and
Shri P. Hazarika, Advocate.

Date of hearing : 23.05.2023

Date of judgment : 23.05.2023

1. Heard Shri P.K. Roy Choudhury, learned counsel for the applicants, who by means of this application has prayed for review of the judgment and order dated 18.08.2016 passed in WP(C)5660/2009. Also heard Shri J. Chutia, learned Standing Counsel, KAAC, Shri M.K. Boro, learned counsel appearing for the respondent nos. 9, 14, 29, 37, 44, 47, 48, 60, 75, 77, 80 & 81, Shri M. Agarwalla, learned counsel appearing for the respondent nos. 10, 17, 27, 34, 49, 52, 57, 59, 65, 67, 73 & 78, Shri M. Mahanta, learned counsel appearing for the respondent nos. 12, 13, 15, 21, 43, 46, 50, 51, 53, 55, 66, 68, 74, 82, 83, 85 & 86, and Shri P. Hazarika, learned counsel appearing for the respondent nos. 22, 24, 28, 31, 42 & 63.

2. Two applicants have preferred this review against the aforesaid judgment

as mentioned. The principal ground of review is that a particular point urged in the writ petition was not considered at all while the judgment dated 18.08.2016 was delivered. It is contended that there were a bunch of writ petitions which were disposed of by the common judgment and order dated 18.08.2016.

3. Shri P.K.R. Choudhury, the learned counsel for the applicants has submitted that a categorical point taken in the writ petition was that in the impugned selection for the posts of Assistant Teacher in the Karbi Anglong Autonomous Council, reservation was not followed which was in violation of the statute. It has further been contended that in the affidavit-in-opposition filed by the Karbi Anglong Autonomous Council, the said point instead of being disputed, was, to the contrary admitted. He, therefore, contends that the entire selection was vitiated due to non-following of the reservation policy which is mandatory in nature. He submits that the learned Single Judge while passing the aforesaid judgment did not even consider the aforesaid aspect which was in fact an admitted position. The learned counsel has already drawn the attention of this Court to an order dated 10.02.2017 passed by the Hon'ble Division Bench in Writ Appeal 38/2017 whereby a liberty was given to the appellants in that case to prefer a review.

4. Shri Roy Choudhury, the learned counsel for the applicants submits that when a point of law was urged and was not considered in spite of the point being conceded by the contesting respondents, the judgment in question is liable to be reviewed in the interest of justice.

5. Refuting the aforesaid submissions, Shri J. Chutia, the learned Standing

Counsel, KAAC has submitted that the present application for review is not maintainable for more than one reason. By drawing the attention of this Court to the review petition, he submits that though the judgment dated 18.08.2016 was a common judgment, the review was sought for only in respect of WP(C)/5660/2009 in which the applicant no. 1- Longsing Terang was not even a petitioner. He submits that so far as the applicant no. 2 is concerned namely, Shri Tapan Khemprai, though he was a petitioner in WP(C)/5660/2009, there is no statement that the applicant no. 2 belonged to the Scheduled Tribe category.

6. By drawing the attention of this Court to the pleadings made in paragraph nos. 27 & 28 of the writ petition, Shri Chutia, the learned Standing Counsel has submitted that only a general statement has been made regarding the application of the Reservation Act and the Rules.

7. Shri Chutia, the learned Standing Counsel further submits that even overlooking the aforesaid aspect of the matter, the appointment order dated 27.11.2009 which was annexed to the writ petition would show that 17 persons were appointed against the 17 numbers of vacancies which were in order of merit. To buttress his argument, attention of this Court has also been drawn to the Select List prepared, in which the position of the application no. 2 was 35 and there were a number of persons in the ST category above the petitioners who were also not appointed. He submits that in any case, the reservation being only 5 % would have constituted one post which would not give any relief to the applicant no. 2. He further submits that the advertisement in question had made it clear that the Reservation Policy would be followed and in fact three persons belonging to the reserved category of ST (H) were amongst the persons

appointed. He submits that apart from the fact that the present application is not maintainable, no fruitful purpose would be served and the applicants would not be benefitted in any way even if the review petition is allowed.

8. The learned counsel for the private respondents while endorsing the submissions made by the learned Standing Counsel of the Council have submitted that no faults can be attributed to their clients inasmuch as their selection was done in accordance with merits and in fact there is no allegation of any nature against their selection and the challenge is only pertaining the issue of following the Reservation Policy.

9. Rejoining his submissions, Shri Roy Choudhury, the learned counsel for the applicants has submitted that there were a number of writ petitions and though only one writ petition has been mentioned in this review petition, since the judgment and order is a common one, the first objection is not tenable. He submits that in any case, so far as the applicant no. 2 is concerned, he was a petitioner in the concerned writ petition and therefore, it cannot be said that the review petition is not maintainable, more so, when liberty was granted to the applicants by the Hon'ble Division Bench to prefer a review. He has also drawn the attention of this Court to the averments made in the affidavit-in-opposition of the Council dated 10.02.2010 wherein the allegations of not following the Act in question have been admitted.

10. The rival submissions made by the learned counsel for the parties have been duly considered and the materials placed before this Court have been examined.

11. The power of review is to be exercised on extra ordinary circumstances and only in a case which falls within the contours of the provisions relating to review.

12. In the case of ***Kamlesh Verma Vs. Mayawati & Ors.*** reported in **(2013) 8 SCC 320**, the following have been laid down by the Hon'ble Supreme Court:

“20. Thus, in view of the above, the following grounds of review are maintainable as stipulated by the statute:

20.1. When the review will be maintainable:

- (i) Discovery of new and important matter or evidence which, after the exercise of due diligence, was not within knowledge of the petitioner or could not be produced by him;*
- (ii) Mistake or error apparent on the face of the record;*
- (iii) Any other sufficient reason.*

The words “any other sufficient reason” have been interpreted in Chhajju Ram v. Neki and approved by this Court in Moran Mar Basselios Catholicos v. Most Rev. Mar Poulouse Athanasius to mean “a reason sufficient on grounds at least analogous to those specified in the rule”. The same principles have been reiterated in Union of India v. Sandur Manganese & Iron Ores Ltd.

20.2. When the review will not be maintainable:

- (i) A repetition of old and overruled argument is not enough to reopen concluded adjudications.*
- (ii) Minor mistakes of inconsequential import.*

(iii) Review proceedings cannot be equated with the original hearing of the case.

(iv) Review is not maintainable unless the material error, manifest on the face of the order, undermines its soundness or results in miscarriage of justice.

(v) A review is by no means an appeal in disguise whereby an erroneous decision is reheard and corrected but lies only for patent error.

(vi) The mere possibility of two views on the subject cannot be a ground for review.

(vii) The error apparent on the face of the record should not be an error which has to be fished out and searched.

(viii) The appreciation of evidence on record is fully within the domain of the appellate court, it cannot be permitted to be advanced in the review petition.

(ix) Review is not maintainable when the same relief sought at the time of arguing the main matter had been negated.”

13. In the recent decision dated 18.08.2022 in the case of ***S Madhusudhan Reddy Vs. V Narayana Reddy & Ors.*** reported in ***(2022) SCC OnLine 1034***, a Three Judges' Bench of the Hon'ble Supreme Court has reiterated the aforesaid law laid down in the case of ***Kamlesh Verma*** (*supra*).

14. In the instant case, the primary ground of review is that a point which was taken up in the writ petition was not considered by the learned Single Judge while disposing of the writ petition vide the common judgment and order dated 18.08.2016.

15. It is a settled position of law that points which were not extremely dealt with by a Court and not specifically find mention in the judgment, are deemed to have been considered and rejected. In this connection, reference may be made to the case of ***Central Bank of India & Ors. vs. Dragendra Singh Jadon*** reported in ***(2022) 8 SCC 378***. Under those circumstances, this Court is not able to accept to the contention made on behalf of the applicants that the judgment and order in question is liable to be reviewed. Even otherwise, the facts and circumstances as narrated above are such that no case for review is made out and no fruitful purpose would be served even if this Court decides to re-hear the petition as the position of the applicant no. 2 was 35 in the select list and there were only 17 numbers of post which were filled up. This Court has also noted the submissions made on behalf of the Council that there are persons above the petitioners who were also not offered appointment and had belonged to the Scheduled Tribe category. The learned Standing Counsel of the Council has also submitted that amongst the candidates who were appointed, there were three numbers of candidates belonging to the ST (H) category.

16. Under those facts & circumstances, this Court is of the opinion that no case for review is made out. Accordingly, the same stands dismissed.

JUDGE

Comparing Assistant