

THE HIGH COURT OF TRIPURA
AGARTALA

W.A. 48 of 2014

Shri Jayanta Kumar Acharjee,
S/O – Late Harendra Acharjee,
Resident of Dhaleswar Road No.13,
P.O. – Dhaleswar,
P.S. – East Agartala,
District – West Tripura.

..... *Appellant*

- Vs. -

1. The State of Tripura,
Represented by the Secretary-cum-
Commissioner, Department of
Education, Government of Tripura,
Agartala.
2. The Director of School Education,
Government of Tripura,
Agartala.

..... *Respondents*

BEFORE
HON'BLE THE CHIEF JUSTICE MR. DEEPAK GUPTA
HON'BLE MR. JUSTICE S.C. DAS

For the appellant : Mr. A. Lodh, Advocate.

For the respondents : Mr. B. Dutta, Advocate.

Date of hearing & : 17.06.2015.
delivery of
Judgment & order

Whether fit for : No
reporting

JUDGMENT & ORDER (ORAL)

(Deepak Gupta, CJ.)

By means of this appeal, the petitioner has challenged
the judgment dated 27.03.2014 and the main ground of challenge
in this appeal is to the validity of the Memorandum dated

07.12.1992. In the judgment, the learned Judge has noted as follows:-

".....It is to be noted that the challenge to the Memorandum dated 07.12.1992 has not been pressed by the petitioner"

2. In the ground of appeal it is mentioned that this observation is erroneous. It is by now, well settled law that if a party wants to urge that any observation made in a judicial order or judgment does not reflect the correct factual situation then the proper course for the party is to approach the same court by filing a review application and informing the Judge that what has been written by him in the judgment is incorrect. It is only the Judge, who has passed the order who knows whether such argument was actually raised before him or not. If the party has not raised such objection before the learned Single Judge then obviously it cannot be permitted to raise the same in appeal.

3. Therefore, we reject the writ petition with liberty reserved to the petitioner to approach the learned Single Judge. All objections including the objection of limitation shall be available to the respondents to oppose the said petition if filed.

JUDGE

CHIEF JUSTICE

sima