THE HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

REVIEW W.A.M.P.No.1006 of 2015
IN
WRIT APPEAL No.232 of 2015

AND

WRIT APPEAL No.283 of 2015

COMMON ORDER: (per the Hon'ble Sri Justice A.Ramalingeswara Rao)

This Review Petition in W.A.No.232 of 2015 and Writ Appeal No.283 of 2015 are being disposed of by this common order as they arise out of the same cause of action. The parties are hereinafter referred to as they are arrayed in W.A.No.283 of 2015.

W.P.No.13197 of 2014 was filed by the first respondent in the Writ Appeal challenging the action of respondent Nos.2 to 5 herein in selecting the appellant, who was arrayed as the fifth respondent in the said Writ Petition, to the post of Management Trainee (Finance) under Scheduled Tribe category on the ground that he secured 63.43 marks which is less than the marks secured by the first respondent herein i.e., 63.80. The learned single Judge, by his order dated 22.12.2014, set aside the selection of the appellant and directed respondent Nos.2 to 5 to appoint the first respondent for the post of Management Trainee (Finance).

Respondent Nos.3 to 5 filed W.A.No.232 of 2015 challenging the order of the learned single Judge dated 22.12.2014 and this Court after considering the selection process and the recruitment rules, by following the decision of the Supreme Court in

K.Manjusree v. State of A.P[1], dismissed the said Writ Appeal by order dated 19.03.2015. After dismissal of the said Writ Appeal, the appellant filed W.A.No.283 of 2015 and the appellants in W.A.No.232 of 2015 filed Review Petition No.1006 of 2015 in W.A.No.232 of 2015.

The Review Petition was filed on the ground that the first respondent secured less than 50% marks in the interview and the said fact was overlooked by the learned single Judge as well as by the Division Bench. It is also stated that the facts stated in the Review Petition are new and important, which go to the root of the case. It was further stated that the appellant in W.A.No.283 of 2015 joined the service on 23.03.2014 and completed the training and was subjected to interview for absorption as Assistant Manager.

This Court, while disposing of W.A.No.232 of 2015 noticed the stipulation mentioned in the notification with regard to securing minimum marks in the written test and the absence of any such stipulation for considering the case for interview, and in the absence of the same, the point now sought to be urged by the review petitioners cannot be entertained. While disposing of the Writ Appeal, the total marks secured by the appellant and the first respondent was considered and having noticed that the first respondent secured more marks, the Writ Appeal preferred by the review petitioners was dismissed. It is well settled that a review is

[1] (2008) 3 SCC 512

not a rehearing of the matter and hence, the present Review Petition cannot be entertained.

So far as W.A.No.283 of 2015 is concerned, the only point raised in the Writ Appeal is with regard to the non-service of notice on the appellant at the time of hearing the Writ Petition by the learned single Judge. But now, in view of the fact of the appellant joining the service as Management Trainee (Finance) on 23.03.2014 and completing the one year period of training and becoming eligible for absorption as Assistant Manager, he does not press the Writ Appeal. The first respondent is yet to undergo training and no ground other than the ground of service of notice is pressed into service in the present Writ Appeal. Even otherwise also, in view of the fact of completion of training and the likelihood of absorption as Assistant Manager, the appellant did not show any inclination to pursue the appeal.

In view of the above, the Review W.A.M.P No.1006 of 2015 in W.A.No.232 of 2015 and W.A.No.283 of 2015 are, accordingly, dismissed. The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

(V.RAMASUBRAMANIAN, J)

(A.RAMALINGESWARA RAO, J)

02.12.2016
vs