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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P (C) 5316/2014**

EKTA LASKAR

.....Petitioner

Through: Mr. Colin Gonsalves, Sr. Advocate with
Ms. Sija Nair Pal, Advocate.

Versus

RAMJAS COLLEGE & ORS.

....Respondents

Through: Mr. Arun Kumar Srivastva with Mr. Rajesh
Jha, Advocates for R-1, R-2 & R-3.
Mr. Santosh Kumar, Advocate for R-4/Delhi
University.
Mr. Apoorv Kurup with Mr. Avanish Rathi,
Advocates for respondent/UGC
Mr. Dev P. Bhardwaj, CGSC with Mr. Satya
Prakash Singh & Ms. Priyanka Singh,
Advocates for R-6/UOI.
Mr. R.C. Chawla, Standing counsel (EPFO)
with Mr. Pradeep Chandra Sati, Advocate
for R-7.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

12.05.2017

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**Rev. Pet. No. 192/2017 (by the petitioner for seeking review of the
order dated 23.09.2016)**

1. This Review Petition has been filed by the Petitioner seeking
review of the order dated 23.09.2016, passed in W.P. (C) No. 5316/2014,

which was disposed of by holding as under:-

“4. In compliance with the said order, the respondent No.5 / University Grants Commission filed an affidavit together with the supporting documents. A perusal of the same, more particularly, the explanation submitted by Ramjas College / respondent No.1 vide its letter dated 20.11.2014 shows that the conclusion of UGC that there was no violation of Government of India / UGC Rules was based on proper appreciation of the explanation offered by the College.

5. Hence, there is no need to keep the writ petition pending any longer. The writ petition is accordingly disposed of.”

2. Review of the order dated 23.09.2016 has been sought on the grounds that there are serious irregularities and illegalities committed by the respondent/College; that the UGC and Delhi University willfully chose to let the respondent/College get away with major financial and administrative illegalities; that the conclusion of the UGC stating that there was no violation of Government of India/UGC Rules was given by the Education Officer, who had no authority or jurisdiction to come to such a conclusion; that the UGC and Delhi University were hand in glove with the respondent/College in carrying out illegal acts.

3. We have gone through the entire writ record.

4. Perusal of the record shows that in the first round of litigation, W.P.(C) No. 1922/11 filed by the petitioner was disposed of with a specific direction to UGC to conduct an inquiry into the serious allegations levelled against the respondents No.1 to 3 and to take appropriate action. Thereafter, an inquiry was conducted by the Fact Finding Committee constituted by UGC and the report dated 01.05.2012

was submitted to UGC. However, it was alleged that the UGC failed to take further action in terms of the findings in the report. Consequently, this Court directed UGC on 28.07.2016 to place all records pertaining to the events that have taken place subsequent to the report of the Fact Finding Committee dated 01.05.2012 including the action taken report also.

5. In compliance with the above direction, an affidavit was filed by the UGC on 08.09.2016 along with the documents. A bare perusal of the said affidavit showed that there is no merit in the allegations levelled against the respondent college as there is no violation of the norms and statutes of the University as well as Rules of Government Bodies. As a result, the said petition was disposed of.

6. Learned counsel for the Review petitioner has filed this review petition on the sole ground that the order of the Education Officer is not conclusive as she has no jurisdiction or power to arrive at such a conclusion. This argument was never raised by the petitioner at the first instance and now by way of the present review petition, he cannot be allowed to raise a fresh ground. Even otherwise, we are of the view that the duty cast on an Education Officer would include improving upon and coordinating the standards of education in Universities and colleges and therefore it cannot be urged that he has surpassed his jurisdiction.

7. Moreover, the scope of a review petition is fairly limited. We cannot re-hear the petition that was disposed of on merits while adjudicating on all the issues involved therein. In the case of ***Thungabhadra Industries Ltd. vs. Govt. of A.P.*** reported as ***AIR 1964 SC 1372***, the scope of a review petition was delineated by the Supreme

Court in the following words:-

“11. What, however, we are now concerned with is whether the statement in the order of September 1959 that the case did not involve any substantial question of law is an ‘error apparent on the face of the record’. The fact that on the earlier occasion the Court held on an identical state of facts that a substantial question of law arose would not per se be conclusive, for the earlier order itself might be erroneous. Similarly, even if the statement was wrong, it would not follow that it was an ‘error apparent on the face of the record’, for there is a distinction which is real, though it might not always be capable of exposition, between a mere erroneous decision and a decision which could be characterized as vitiated by ‘error apparent’. A review is by no means an appeal in disguise whereby an erroneous decision is reheard and corrected, but lies only for patent error.” (emphasis supplied)

8. In the case of ***Parsion Devi vs. Sumitri Devi*** reported as (1997) 8 SCC 715, the Apex Court had held as follows:-

“9. Under Order 47 Rule 1 CPC a judgment may be open to review inter alia if there is a mistake or an error apparent on the face of the record. An error which is not self evident and has to be detected by a process of reasoning, can hardly be said to be an error apparent on the face of the record justifying the court to exercise its power review under Order 47 Rule 1 CPC. In exercise of the jurisdiction under Order 47 Rule 1 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.” (emphasis supplied)

9. On a careful analysis of the above legal position and the facts of the present case, we are of the considered view that none of the circumstances as contemplated under Order 47 Rule 1 of the Code of

Civil Procedure have arisen, nor do the grounds raised in the review petition entitle the petitioner for a review. If the petitioner is aggrieved by the order dated 23.09.2016, she is at the liberty to seek appropriate legal recourse.

10. Accordingly, the review petition is dismissed.

HIMA KOHLI, J

SANGITA DHINGRA SEHGAL, J

MAY 12, 2017
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