

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CM-116588-2016 and RA-425-2016 in
CWP No.14956 of 2014
Date of decision: 11.01.2017**

Vikas Sharma & another

....Petitioners

Versus

Guru Jambheshwar University of Science & Technology & another

...Respondents

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr.Arvind Seth, Advocate, for the review applicant/respondent No.1.

G.S. SANDHAWALIA, J. (Oral)

Application has been filed by the respondent-University for review of the order dated 02.09.2015, passed by this Court. Vide the said order, the petitioners' prayer for quashing the order dated 22.10.2013 (Annexure P13), passed by the applicant-University, cancelling the admission of the petitioners in the Course of Masters in Architecture, was rejected. However, keeping in view the fact that the petitioner had studied for the whole course and given examinations of both the years of the course in question and that at the fag end of the 2 years' course, the admission was cancelled, refund of Rs.1,68,000/- was directed from the respondent-College, as fee, apart from granting compensation of Rs.1 lakh each, from the University and the College.

The said order was appealed by filing LPA-437-2016, wherein various documents were appended, to show that the University had been vigilant to prevent the Institution from indulging in malpractice. The Division Bench noticed that none of those documents were brought to the notice of this Court and accordingly, faced with the said situation, the appeal was withdrawn, with liberty to file an application before this Court.

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Resultantly, the present review application has been filed. The operative part of the order dated 20.09.2016 reads as under:

“With this appeal, a series of documents have been appended in order to show that the University has been vigilant to prevent the private institutes from indulging in malpractice like admission to ineligible students. None of these documents were brought to the notice of the Ld. Single Judge. No such pleas was pleaded or raised before the Ld. Single Judge.

Faced with the learned counsel for the appellant seeks to withdraw this appeal with liberty to file an appropriate application before the learned Single Judge.

Ordered accordingly.”

Admittedly, the documents which, now, are being relied upon that the University had been communicating with the College for the proof of the qualifying examinations, had never been placed on record or appended along with the written statement. It is, for the first time, the same have been made part of the record.

Apart from this argument, nothing has been shown or demonstrated to this Court that the order under review, suffers from any legal infirmity and is liable to be reopened, accordingly. It is settled principle that a review application can only be entertained if there is an error apparent on the face of the record, which, in the present case, seems to be none. The matter is only sought to be reviewed by referring to various annexures which were never part of the record. In such circumstances, this Court is of the opinion that the present review application is not liable to be entertained.

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The matter was also carried in appeal by the student in **Vikas Sharma Vs. Guru Jambheshwar University, Hisar & another 2016 (1) SCT 702**, which stands dismissed on 03.12.2015 and therefore also, the order sought to be reviewed, stands upheld.

Even otherwise, this application has been filed by a counsel who was not the original counsel of the University and accordingly, in view of the judgment of the Apex Court in **Tamil Nadu Electricity Board Vs. N. Raju Reddiar & another AIR 1997 (SC) 1005** wherein it has been held that a review application can only be filed by the original counsel and the practice of review applications being filed by other counsels, was deprecated, the present application cannot be entertained. The relevant observations read as under:

“Review petition is not, and should not be, an attempt for hearing the matter again on merits. Unfortunately, it has become, in recent time, a practice to file such review petitions as a routine; that too, with change of counsel, without obtaining consent of the advocate on record at earlier stage. This is not conducive to healthy practice of the Bar which has the responsibility to maintain the salutary practice of profession. In Review Petition No.2670/96 in CA No.1867/92, a Bench of three Judges to which one of us, K. Ramaswamy,J., was a member, has held as under:

"The record of the appeal indicates that Shri Sudarsh Menon was heard and decided on merits. The Review Petition has been filed by Shri Prabir Chowdhury who was neither an arguing counsel when the appeal was heard nor was he present at

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the time of arguments. It is unknown on what basis he has written the grounds in the Review Petition as if it is a rehearing of an appeal against our order. He did not confine to the scope of review. It would be not in the interest of the profession to permit such practice. That part, he has not obtained "No Objection Certificate" from the Advocate-on-Record in the appeal, in spite of the fact that Registry had informed him of the requirement for doing so. Filing of the "No Objection Certificate" would be the basis for him to come on record. Otherwise, the Advocate-on-Record is answerable to the Court. The failure to obtain the "No Objection Certificate" from the erstwhile counsel has disentitled him to file the Review Petition. Even otherwise, the Review Petition has no merits, It is an attempt to reargue the matter on merits. On these grounds, we dismiss the Review Petition".

Once the petition for review is dismissed, no application for clarification should be filed, much less with the change of the advocate-on-record. This practice of changing the advocates and filing repeated petitions should be deprecated with heavy had for purity of administration of law and salutary and healthy practice."

Accordingly, keeping in view the above observations, the present review application is dismissed.

January 11th, 2017
Sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No