

**(138) R.A. No.277 of 2018 in
CWP No.27214-2016**

Dr. Deepak Kapur

Versus

Union of India and others

Present: Ms. Anu Chatrath, Sr. Advocate with
Mr. M.M. Pandey, Advocate
for the review-applicant.

Review-applicant has sought for recalling/reviewing order dated 27.11.2017 (Annexure A-2).

2. Learned counsel for the review-applicant submitted that against order dated 27.11.2017 passed in CWP No.27214-2016, review-applicant preferred LPA. LPA was dismissed as withdrawn on 21.08.2018 which reads as under:

“After the matter was heard for some time, learned senior counsel for the appellant made a request to dismiss the appeal as withdrawn with liberty to approach the learned Single Judge by making proper application with respect to the grievance being raised before us.

Prayer made is allowed.

Appeal stands dismissed as withdrawn with the aforesaid liberty.”

3. Today, learned counsel for the review-applicant submitted that writ petition could be entertained having regard to the fact that IMT Ghaziabad has a nexus with AICTE. Therefore, service conditions of the employee of IMT Ghaziabad which was pending consideration before the AICTE with reference to legal notice dated 9.5.2016 and representation dated 14.7.2017 be considered and petitioner would give up challenged to the communication dated 2.2.2016 and 15.1.2016 (Annexures P-33/II and Annexure P-33/III at this stage.

4. The above contention of the review-applicant is nothing but re-arguing the writ petition. Even for consideration of legal notice dated 9.5.2016 and representation dated 14.7.2017, this Court has no jurisdiction for the reasons that ultimate grievance of the petitioner is against IMT Ghaziabad. Moreover, in the writ petition, there is no prayer for consideration of legal notice dated 9.5.2016 and 14.7.2017. In the absence of necessary prayer for consideration of legal notice dated 9.5.2016 and

representation dated 14.7.2017, question of entertaining review-application to decide review-applicant's legal notice and representation is nothing but re-opening CWP No.27214-2016. Review powers are well defined under Order 47 Rule 1 of Civil Procedure Code, 1908 which are very limited. It may be exercised only if there is any mistake or an error apparent on the face of record. Here grievance of the review applicant is to examine legal notice dated 9.5.2016 and representation dated 14.7.2017 and further seeking for appropriate direction to AICTE. Having regard to the order dated 27.11.2017 passed in CWP No.27214-2016, petitioner could not point out any error committed by this Court. Therefore, review-applicant has not made out a case to review the order dated 27.11.2017.

5. Accordingly, review-application stands dismissed.

6. At this juncture, learned counsel for the review-applicant vehemently contended that LPA Bench had granted liberty in respect of consideration of legal notice dated 9.5.2016 and representation dated 14.7.2017. Perusal of the LPA Bench order, nowhere it is stated or ordered relating to consideration of legal notice dated 9.5.2016 and representation dated 14.7.2017 and what has been stated is already reproduced in para 2 of this order.

There is no substance in the above submission of the review-applicant.

17.09.2018
rajeev

(P.B.BAJANTHRI)
JUDGE