

IA No. GA 1 of 2021
IA No. GA 2 of 2021
RVWO No. 13 of 2021
with
APO No. 147 of 2019
IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION

The Managing Committee, Shree Maheshwari Vidyalaya & Ors.
Versus
Anil Kumar Jha & Ors.

Before:
The Hon'ble Justice I. P. MUKERJI
And
The Hon'ble Justice ANIRUDDHA ROY
Date: 24th September 2021

Appearance:
Mr. Anjan Bhattacharya Advocate
Ms. Anita Shaw, Advocate
for the applicant

Mr. Subhankar Datta, Advocate
Mr. Debashis Sarkar, Advocate
Mr. Paritosh Sinha, Advocate
for the respondent

Mr. Saktipada Jana, Advocate
Ms. Ujani Pal (Samanta), Advocate
for school authority

The Court: IA No. GA 1 of 2021

Sufficient cause is shown. Delay is condoned.

The application for condonation of delay (IA No. GA 1 of 2021)
under section 5 of the Limitation Act is allowed.

We admit the review application.

IA No. GA 2 of 2021
RVWO No. 13 of 2021

We regret to note that the grounds made out in support of this
application for review do not meet the requirements of Order XLVII Rule
1 of the Civil Procedure Code.

There were seven teachers in the commerce stream of the higher
secondary school. One being an economics teacher and the other a
mathematics teacher left the employment creating vacancies of two

teachers. The applicant wanted those vacancies to be treated as those for commerce teachers and claimed appointment based on his qualification and tenure of service in the school.

The division bench held that those were reserved for economics and mathematics teachers and could not be filled up in the manner the applicant wanted.

Mr. Bhattacharya submits otherwise. He contends that there is an error apparent on the face of the records.

We are unable to accept this contention. At best it could be an error in the appreciation of the relevant rules or an error in arriving at a conclusion based on the facts and the rules read together, by the bench.

The remedy, if at all available, to the applicant lay in a properly constituted appeal against the impugned judgement and order. This review application is clearly not maintainable.

In those circumstances, the review application (RVWO No. 13 of 2021) and the connected application (IA No. GA 2 of 2021) are dismissed.

No order as to costs.

(I. P. MUKERJI, J.)

(ANIRUDDHA ROY, J.)