

04.11.22
Sl.-01
Ct.32
(S.R.)

RVW 48 of 2020
Ashoke Kumar Gorain
v.
The State of West Bengal & Ors.
and
CAN 1 of 2022
in
WPA 22702 of 2019

Mr. Asim Banerjee
Mr. Ambu Bindu Chakraborty
... for the petitioner/applicant.

Aggrieved by the order dated 5th February, 2020 passed in the writ petition being WP No.22702 (W) of 2019, the writ petitioner/applicant has filed the present review petition being RVW 48 of 2020 along with an application being CAN 1 of 2022.

Mr. Banerjee, learned advocate appearing for the writ petitioner/applicant primarily argues that the writ petition was dismissed being oblivious of the fact that the petitioner was entitled to age relaxation up to 55 years in the selection process towards appointment to the post of primary teacher. In support of such contention, reliance has been placed upon the contents of the Information Booklet-Cum-Application Form for the candidates appearing at Teacher Eligibility Test (TET) 2012 and the paper publication pertaining to the concerned selection process.

Mr. Banerjee submits that the applicant was an ex-instructor of Rural Functional Literacy Project under the

Social Welfare Department, Government of West Bengal and was a candidate under Code 49 specified for '*Para Teachers & Others*' in the concerned selection process and was entitled to age relaxation up to 55 years. Such entitlement was not taken into consideration at the time of hearing of the writ petition. In view thereof, the order impugned needs to be reviewed for the ends of justice.

In spite of service, no one appears on behalf of the respondents. The affidavit of service, as filed, be kept on record.

Records reveal that the writ petition was preferred alleging *inter alia* that the respondents did not grant age relaxation as provided under the government order dated 12th April, 1982 being Annexure P-8 to the writ petition. Such challenge was duly considered by the learned Court and the writ petition was dismissed detailing the reasons.

The documents as referred to in the review petition pertain to a period prior to disposal of the writ petition. Matters which ought to have been urged in course of hearing of the writ petition have been sought to be agitated afresh and as such, the argument of Mr. Banerjee that the matter needs to be reheard upon review is not acceptable to this Court.

The arguments advanced by Mr. Banerjee and the grounds taken in the review petition also do not establish any patent error on the face of the records warranting

interference in review.

In view thereof, the review petition being RVW 48 of 2020 and the connected application being CAN 1 of 2022 are dismissed.

There shall, however, be no order as to costs.

The department is directed to return the certified copy of the order dated 5th February, 2020 passed in the writ petition being WP No.22702 (W) of 2019 to the petitioner/applicant upon retaining a photostat copy of the same.

Urgent certified photocopy of this order, if applied for, be supplied as expeditiously as possible.

(Tapabrata Chakraborty, J.)