

16.12.2022  
KC(1-5)

RVW 65 of 2020  
UCO Bank  
-versus-  
Md. Sahid @ Mahammad Sahid and Ors.  
With  
CAN 1 of 2020 (Old CAN No. 3783 of 2020)  
With  
CAN 2 of 2020 (Old CAN No. 3785 of 2020)  
With  
CPAN 529 of 2020  
In  
F.M.A. 2072 of 2016  
With  
RVW 66 of 2020  
With  
CAN 1 of 2020 (Old CAN No. 3788 of 2020)  
With  
CAN 2 of 2020 (Old CAN No. 3789 of 2020)  
With  
CPAN 530 of 2020  
In  
F.M.A. 2071 of 2016

Mr. Sabyasachi Choudhury,  
Mr. Rajarshi Dutta,  
Mr. Sourjya Roy.....For the review applicant.

Mr. Soumya Majumdar,  
Mr. Piyush Chaturvedi,  
Mr. Madhusudan Roy.....For the opposite parties in  
RVW 65 and 66 of 2020  
and  
for the applicants in  
CPAN 529 and 530 of 2020.

We have closely examined the judgment and order  
dated 24<sup>th</sup> February, 2020 of which review is sought.

We have also very carefully considered the  
submission of Mr. Sabyasachi Choudhury, learned  
advocate assisted by Mr. Rajarshi Dutta, learned  
advocate for the applicant in the review application.

What is sought to be canvassed before us is an alleged error made by this bench in the interpretation of the terms and conditions prescribed in the advertisement inviting applications for the post of Anganwadi workers. Our attention has been drawn to a clause in the advertisement which said that a candidate with a higher qualification would not be considered.

In this connection we observe that we had relied in the judgment on a passage in *Rina Dutta and Ors.-vs- Anjali Mahato and Ors.*, reported in 2010(2) CLJ (CAL.) 321 “it is open to the employer to make a rule providing for disqualification of candidates possessing qualification higher than the prescribed qualification, but the burden would be on the employer to justify such a rule.”

We held that the said terms and conditions did not prevent appointing candidates with a higher qualification.

It is also pointed out by learned counsel that the court did not appreciate the judgments covering the field in their proper perspective. If those judgments were properly shown to the bench the decision would have been different.

We are afraid that these are not the grounds under Order XLVII Rule 1 of the Code of Civil Procedure on which a judgment and order may be reviewed by the court. Neither an error apparent on the face of the

record nor any evidence which in spite of due diligence could not be produced before the court, has been disclosed in these applications. At best there may be an error in the appreciation of facts or law which the division has made. If such an error has occurred it is not to be corrected on review but by a superior court. Otherwise there would be no finality in the judgment of a court. After pronouncement thereof the court would be asked to review its decision and this might go on indefinitely, keeping the *lis* between the parties undecided.

For those reasons we find no merit in these review applications. We dispose of the same with the above observations. The connected applications are also disposed of.

It would always be open to the applicant to challenge the impugned judgment and order dated 24<sup>th</sup> February, 2020 in accordance with law.

The contempt applications may be listed at the next sitting of the court after January, 2023.

(I.P. MUKERJI, J.)

(ANIRUDDHA ROY, J.)

