

18.05.2023
KC(1)

RVW 257 of 2022
Vineet Ruia
-versus-
Principal Secretary, Department of School
Education and Ors.
in
W.P.A.(P) 162 of 2021
Rajib Chakraborty and Ors.
-versus-
The State of West Bengal and Ors.

Mr. Somnath Mukherjee.....For the review applicant.

This application seeks review of our judgment and order dated 11th November, 2022 disposing of the public interest litigations.

On the basis of a supplementary report filed by the joint Special Officers the applicant inter alia urges us to investigate whether any school authority has charged excess amount from a student and direct refund of the same.

The grounds available for review of an order under Order 47 Rule 1 of the Civil Procedure Code are indeed very limited. An application for review is only entertained if there is discovery of any new and important material which was not available or in spite of exercising due diligence could not be made available when the order was passed or there was an error or

mistake apparent on the face of the record or any ground similar to these.

We are afraid that none of the above grounds has been made out in this application. The prayer made before us is only for substantive revision of the judgment and order made by us disposing of the writ. The proper remedy to challenge any error on our part would be elsewhere but not in review.

In this connection we may note our observation at internal page 7 of our said judgment and order dated 11th November, 2022:

“For any dispute which survives which relates to the period covered by our orders, we direct that in so far it relates to recovery of outstanding fees by the educational institutions for that period in relation to any student, it may be resolved through a civil remedy, without the institution taking any coercive steps against the student by expelling him/her from the school or withholding his/her certificate, mark-sheet, admit card, promotion, appearance in examination etc.”

However, we clarify that this liberty given to educational institutions would also extend to students and guardians for recovery of any excess amount taken by the schools, through a civil remedy. The omission of this part in the original order may be treated to be a mistake.

This application for review (RVW 257 of 2022) is disposed of accordingly.

(I.P. MUKERJI, J.)

(MOUSHUMI BHATTACHARYA, J.)