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RVW 236 of 2024

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IA No.: CAN 1 of 2024 [Stay]

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IA No.: CAN 2 of 2024 [Sec. 5]

Kabita Mukherjee

– *Versus* –

The State of West Bengal & Others

in
MAT 152 of 2024

Mr. Syed Arif Ahmed
... for the Applicant/Petitioner.

Mr. Arindam Chattopadhyay,
Mr. Soumik Dey
... for the State/Respondents.

Mr. Nilotpal Chatterjee,
Mr. Satyaki Banerjee
... for the Respondent no.6/C.U.

Aggrieved by the order dated 26th April, 2024 passed in the appeal, being MAT 152 of 2024, the writ petitioner/the applicant herein has preferred the present review, being RVW 236 of 2024 along with an application for condonation of delay, being IA No.: CAN 2 of 2024 and an application for stay, being IA No.: CAN 1 of 2024. The affidavits, as filed, be kept on record.

As we have invited Mr. Ahmed, learned advocate appearing for the applicant to advance his arguments on merits of the review application, we condone the delay in preferring the review application. The application for condonation of delay, being IA No.: CAN 2 of 2024 is, accordingly, disposed of.

Mr. Ahmed argues that the order impugned has been passed without taking into consideration all the grounds of appeal highlighted in the memorandum of appeal against the order passed by the writ court. The order, thus, suffers from an error apparent on the face of the record, warranting interference of this Court.

He argues that the contents of the order passed by the Joint Secretary on 8th May, 2018 were not taken into consideration. The Court proceeded being oblivious of the fact that the appellant's husband was not disbursed his actual entitlement during the period from 24th May, 1999 to 31st August, 2008. The difference of pay to which the husband of the applicant was entitled to was denied without any appropriate reason. Such argument, as advanced, was glossed over by the learned Court and no finding was returned on the same. Such infirmity warrants interference in the present review.

Mr. Chattopadhyay, learned advocate appearing for the State/respondent nos.1-5, however, submits that there is no patent error apparent on the face of the record and the parameters prescribed for review do not postulate a rehearing of the dispute.

He further submits that considering the factual aspects, the Hon'ble Court arrived at specific findings and there is no infirmity in the said order warranting any interference.

Mr. Banerjee, learned advocate appearing for the University of Calcutta/respondent no.6 also denies and disputes the contention of the applicant.

We have heard the learned advocates appearing for the respective parties and considered the materials on record.

Matters which ought to have been urged in course of the appeal cannot be agitated afresh in the review application. The grounds taken in the review application do not establish any error whatsoever on the face of the record nor the application for review had been preferred upon discovery of any new and important piece of evidence.

In view thereof, no interference is called for in the review petition being RVW 236 of 2024 and the application for stay being IA No.: CAN 1 of 2024 and the same are, accordingly, dismissed.

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

Urgent photostat certified copy of this order, if applied for, be supplied to the parties, upon compliance of all requisite formalities.

(Partha Sarathi Chatterjee, J.) (Tapabrata Chakraborty, J.)