

09.12.2024
Item No.17
Court No.11
Avijit Mitra

**RVW 86 of 2024
with
IA No.CAN 1 of 2024
in
WP.CT 111 of 2023**

**Mongla Bhaduli & anr.
- Versus -
Union of India & ors.**

Mr. Pratip Mukherjee,
Sk. S.H. Molla,
Mr. Sakir Hossain,
Mr. Purnankar Biswas
...for the petitioners
Mr. Ashok Chakraborty, Ld. A.S.G.,
Ms. Sabita Roy
....for the respondents

The present review application arises out of an order dated 9th February, 2024 passed by this Court in a writ petition being WP.CT 111 of 2023.

Mr. Mukherjee, learned advocate appearing for the writ petitioners / review applicants herein submits that though the learned Tribunal refused to entertain the prayer for compassionate appointment of the review applicant no. 2 as he could not produce any document to indicate that he possesses the appropriate educational qualification, this Court without considering the infirmity in such observation, rejected the writ petition on an alleged ground of delay. The Court thus exceeded its jurisdiction in considering facts which were not a part and parcel of the learned Tribunal's order.

He argues that this Court while passing the impugned order dated 9th February, 2024 erroneously

proceeded on the basis that the date of birth of the review applicant no. 2 was 22nd April, 1988 though the other documents in the writ petition would have revealed that his date of birth was 5th May, 1991. In support of such contention, Mr. Mukherjee has drawn the attention of this Court to the documents, as annexed at pages 61 and 70 of the writ petition.

Mr. Mukherjee argues that the representation towards compassionate appointment though submitted by the review applicant no. 2 in the year 2008 was erroneously stated to have been filed in the year 2013. In support of such contention reliance has been placed upon a letter dated 6th February, 2008. Let the said document, as produced, be kept on record.

He argues that this Court glossed over the above arguments, as advanced and did not return any finding on the same. Such infirmities warrant review of the order dated 9th February, 2024.

Mr. Chakraborty, learned Additional Solicitor General appearing for the respondents, however, submits that there is no patent error in the order dated 9th February, 2024. Review proceedings are not by way of appeal and the findings arrived at by the Court upon contested hearing cannot be interfered with in review *moreso* when there is no error on the face of record.

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

The arguments that the actual date of birth of the review applicant no. 2 was not taken into consideration and that while deciding the writ petition this Court ought to have restricted itself to the issue as regards the educational qualification of the review applicant no. 2, were not urged at the time of hearing of the writ petition. Parameters prescribed for review do not postulate rehearing of the dispute. The letter dated 6th February, 2008, upon which reliance has been placed by the review applicants, was also not produced at the final hearing of the writ petition.

In the said conspectus, no interference is called for in the present review application.

Accordingly, RVW 86 of 2024 and the application being CAN No. 1 of 2024 are dismissed.

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

Urgent photostat certified copy of this order, if applied for, be given to the learned advocates for the parties.

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