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Review Application No.21 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2024

CORAM

THE HON'BLE Mr. JUSTICE S.S.SUNDAR
AND
THE HON'BLE Mr. JUSTICE A.A.NAKKIRAN

Review Application No.21 of 2022

Irissappan

.. Petitioner

Vs.

1.The Central Administrative Tribunal
Chennai Bench
Rep. by its Registrar

2.The Union of India
Rep. by the Secretary to Government
Department of Personnel & Administrative Reforms
Personnel Wing
Government of Puducherry
Chief Secretariat, Puducherry

.. Respondents

Review Application filed under Order XLVII Rule 1 CPC read with
Section 114 CPC to review the order dated 04.02.2021 passed in W.P.No.2367
of 2021.

For Petitioner : Mr.M.R.Thangavel

ORDER

(Made by S.S.SUNDAR, J.)

This review application is filed seeking to review the order dated



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04.02.2021 passed in W.P.No.2367 of 2021.

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2. The petitioner in the review application belongs to Scheduled Caste community and was a candidate aspiring for the post of LDC/Storekeeper/Junior Clerk/Typist. Though it is stated that his name was found in the list of provisionally shortlisted candidates, he was not called for certificate verification. However, after sometime, the petitioner himself realised that he was called upon to appear for certificate verification through SMS sent to his mobile phone and that he could not get this intimation, since his mobile phone was lost. Therefore, he approached the Central Administrative Tribunal (CAT) in O.A.No.1434 of 2016 and the same was dismissed by the CAT, by order dated 21.01.2020. Therefore, he challenged the order of the CAT before this Court with a consequential prayer to direct the 2nd respondent to appoint him as LDC on the basis of the additional selection list dated 28.11.2014.

3. A Division Bench of this Court, by order dated 04.02.2021, dismissed the writ petition considering the entire facts on record and held that the order of the CAT does not suffer from any illegality or infirmity. Since the petitioner was supposed to know all the terms and conditions in the form of general instructions in the recruitment notification itself, the Division Bench has held that it was open to the petitioner to contact the officials concerned to verify the



status of his application and that therefore, the petitioner cannot get the relief he claimed, merely because he had lost his mobile phone. The Division Bench has carefully scrutinized all the materials and the rival submissions, at the time of disposing of the writ petition. The Division Bench itself found that there is no infirmity or error apparent on the face of the record or the reasons assigned by the CAT in dismissing the original application filed by the petitioner.

4. Review petition cannot be maintained, unless there is an apparent error on the face of the record. This Court and the Hon'ble Supreme Court has repeatedly held that review is not an appeal in disguise. Merely because a different view is possible, a review cannot be entertained. Hence, there is no scope for entertaining the review application, as this Court is unable to find any error on the face of the record.

5. The learned counsel for the petitioner relied upon few clauses in the general instructions to the recruitment notification. This Court is not inclined to entertain this review application on the basis of a different interpretation that may be given to the instructions. As we pointed out above, an error should be manifest in the order itself and not an error which has to be detected by a process of reasoning. Therefore, finding no merits, this review application stands dismissed. No costs.



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[S.S.S.R.,J.] [A.A.N., J.]

03.12.2024

S.S.SUNDAR, J.

AND

A.A.NAKKIRAN, J.

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To

1.The Registrar
Central Administrative Tribunal
Chennai Bench

2.The Secretary to Government
Union of India
Department of Personnel & Administrative Reforms
Personnel Wing
Government of Puducherry
Chief Secretariat, Puducherry

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