

02.01.2025
Item No.14
Court No.11
Avijit Mitra

**RVW 48 of 2024
with
IA No.CAN 1 of 2024
in
WP.ST 197 of 2023**

**Ayan Chaudhury
- Versus -
State of West Bengal & ors.**

Mr. Kamalesh Bhattacharya, Sr. Adv.,
Ms. Pampa Dey (Dhabal),
Mr. Biswaroop Chatterjee
...for the writ petitioner/applicant

Mr. Tapan Kumar Mukherjee, Ld. A.G.P.,
Mr. Pinaki Dhole,
Ms. Tapati Samanta
....for the State respondents

Affidavit-of-service, as filed, be kept on record.

Aggrieved by the order dated 4th January, 2024 passed in WP.ST 197 of 2023, the writ petitioner/applicant has preferred the review application being RVW 48 of 2024 along with an application for appropriate order being IA No.CAN 1 of 2024.

Mr. Bhattacharya, learned senior advocate appearing for the applicant herein submits that there is an error apparent on the face of the record as the Hon'ble Court while dismissing the writ petition erroneously observed that the 2010 Rules have no manner of application though Rule 11 of the said rules clearly specifies that in cases where the process for appointment has been started prior to coming into force of the said Rules, the persons

appointed would be guided by the provisions of the said Rules.

According to him, having accepted the applicant's option for appointment and posting in the district of Burdwan, the authorities had no jurisdiction to transfer him to the district of Darjeeling.

Mr. Mukherjee, learned Additional Government Pleader appearing for the State denies and disputes the contention of Mr. Bhattacharya and submits that there is no patent error on the face of the records and the parameters prescribed for review do not postulate a rehearing of the dispute because a party has not highlighted all the aspects of the case. The Hon'ble Court rightly dismissed the writ petition observing that the provision of clause 4 of the advertisement being No.4 of 2008 was as regards appointment and not transferability.

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

It is well settled that matters which ought to have been urged in course of the appeal cannot be agitated afresh through a review petition. The grounds of review, in our opinion, 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 or important piece of evidence.

In view thereof, no interference is called for and the review application being RVW 48 of 2024 as well as the connected application being IA No.CAN 1 of 2024 is, accordingly, 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.)