

**IN THE HIGH COURT AT CALCUTTA  
CIVIL APPELLATE JURISDICTION  
APPELLATE SIDE**

Present:

**The Hon'ble Justice Debangsu Basak  
And  
The Hon'ble Justice Partha Sarathi Sen**

**RVW/23/2025  
DEBABRATA GHOSH  
VS  
LIFE INS CORPORATION OF INDIA AND ORS.  
IA NO: CAN/1/2025, CAN/2/2025**

*For the Review applicant : Mr. Swarnendu Chatterjee, Advocate  
Mr. Aneadipta Sengupta, Advocate*

*Heard & Judgment on: January 2, 2026*

**Debangsu Basak, J.**

1. CAN 2 of 2025 is an application for condonation of delay.
2. Applicant seeks review of the order dated July 4, 2024 passed in FMA 694 of 2024.
3. Applicant seeks to explain the delay in preferring the memorandum of review on the ground that applicant preferred a Special Leave Petition against order dated July 4, 2024 and that such Special Leave Petition was disposed of by an order dated November 22, 2024 permitting consideration of a review.
4. None appears for the respondent despite service. Affidavit-of-service filed in Court be taken on record.

5. Since the applicant preferred a Special Leave Petition directed against the order under review dated July 4, 2024 and since such Special Leave Petition was disposed of on November 22, 2024 permitting the applicant to apply for review on the ground of error apparent on the face of the record, we deem it appropriate to condone the delay in making and filing memorandum of review. CAN 2 of 2025 is therefore, allowed.
6. Review is taken up for final hearing.
7. Learned advocate appearing for the review applicant submits that, the review applicant participated in a selection process for the purpose of appointment of Apprentice Development Officer undertaken by Life Insurance Company of India (LICI). Applicant was successful in the written examination. Applicant was called for an interview. Applicant submitted a declaration with the LICI in this regard. Candidature of the applicant thereafter was rejected by a letter dated August 2, 2023.
8. Learned advocate appearing for the applicant draws the attention of the Court to the letter of rejection and submits that, applicant was considered both for the rural and the urban categories. He submits that, the applicant was not considered called for urban category. Therefore, the rejection is incorrect.
9. Learned advocate appearing for the applicant draws the attention of the Court to the letters of representation dated July 23, 2023 and July 29, 2023 and submits that, in such representations, applicant stated that, the candidature of the applicant should be considered for the urban category. He submits that, since the applicant qualifies in the urban category and, since, there are vacancies still available, the applicant should be appointed.

10. It appears from the records made available to us that, applicant participated in a selection process for the recruitment of Apprentice Development Officer. Applicant undertook a written examination where he succeeded. Applicant was invited to appear in an interview on April 23, 2023. Applicant apparently appeared in such interview.
11. As noted above, the recruitment process involved two categories namely, urban and rural. Required qualifications are prescribed in respect of the two categories. Qualifications for the two categories are different. The prescribed qualifications appear in the notice of the recruitment of Apprentice Development Officer. Applicant was therefore well aware of the requirement of the qualifications in respect of the two distinct categories.
12. Applicant applied before the authorities, for the rural category. Such declaration appears in the handwriting of the applicant and is dated June 13, 2023.
13. Applicant therefore, took a chance with regard to qualification as prescribed with regard to rural category. In any event, applicant made a conscious decision with regard thereto by submitting his application dated June 13, 2023.
14. Candidature of the applicant was considered on such basis. At least the authorities must be held to do so.
15. Admittedly, applicant does not qualify the criteria for the rural category.
16. Applicant now seeks that the candidature of the applicant should be considered in the rural category.
17. The interview process was completed so far as applicant is concerned on June 16, 2023. After taking such chance the applicant

made two representations dated July 23, 2023 and July 27, 2023 seeking to change his category from rural to urban.

18. Thereafter, the applicant approached the writ Court by way of a writ petition which was affirmed on February 12, 2024. By such writ petition, applicant sought a writ in the nature of mandamus commanding the respondents to rescind and cancel the order dated December 19, 2023 and seeking appointment in the post of Apprentice Development Officer against existing vacancies in OBC-B category or in General category.
19. We perused the letter dated December 19, 2023.
20. In the first paragraph of letter dated December 19, 2023, the authorities stated that, the candidature of the applicant was considered on the basis of the rural category. Thereafter, the authorities proceeded to hold that, the applicant was also not entitled to the urban category as the applicant did not fulfil the urban category criteria also.
21. The next available paragraph in the letter dated December 19, 2023 speaks of the form-B signed and submitted by the applicant and counter-signed by the Senior Branch Manager.
22. In our understanding the LICIA authorities proceeded to consider the candidature of the applicant in the rural category. The applicant appeared in the interview and submitted an application for being considered in the rural category. Thereafter, the applicant cannot be allowed to change its stance to call for consideration in the urban category.
23. It is in such factual matrix the learned Single Judge dismissed the writ petition. The order of dismissal was upheld by us by the order under review.

24. Special Leave Petition was directed against the order under review which was disposed of by an order dated November 22, 2024. By such order, the applicant was permitted to apply for review, in the event, the applicant was able to establish before the Division Bench that the order under review suffers from an error apparent from the face of the record.
25. Elaborate discussions are required for us to arrive at a finding as to the stand of the review applicant. Review applicant participated in the selection process in the rural category and after being unsuccessful herein wants to be given employment in the urban category. It cannot be said, in such factual matrix, that there is an error apparent on the face of record. Rather we are called upon to reappraise the entire evidence to arrive at a different finding which in our view is not permitted under a review jurisdiction.
26. In our view, there is no error apparent on the face of record. It is the review applicant himself who applied to be considered which invited the authorities to consider his candidature in the rural category. The review applicant cannot be allowed to resile from his stated position thereafter.
27. RVW/23/2025 along with the connected application are dismissed without any order as to costs.

**(Debangsu Basak, J.)**

28. I agree

**(Partha Sarathi Sen, J.)**