

18.05.2026
Item Nos.15-17
Court No.11
Avijit Mitra

CPAN 78 of 2026
Supriya Gangopadhyay
-Versus-
Mr. Gautam Bhattacharyya & ors.
with
RVW 270 of 2025
with
IA No.CAN 1 of 2026

Saha Institute of Nuclear Physics & ors.
-Versus-
Supriya Gangopadhyay
in
MAT 117 of 2023
Saha Institute of Nuclear Physics & ors.
-Versus-
Supriya Gangopadhyay
with
COT 90 of 2024
Supriya Gangopadhyay
-Versus-
Saha Institute of Nuclear Physics & ors.

Mr. Vivekananda Bose,
Mr. Sumiava Chakraborty,
Ms. Brototi Pramanick
....for the respondent no.1 in RVW 270
of 2025 & for the applicant in CPAN
78 of 2026
Mr. Sabyasachi Chatterjee,
Mr. Kiron Sk.,
Ms. Monalisha Sinha,
Mr. Badrul Karim
....for the alleged contemnor no.2 in
CPAN 78 of 2026 & for the petitioners
in RVW 270 of 2025

Aggrieved by the judgment dated 8th August, 2025
passed in an appeal being MAT 117 of 2023 and a
cross objection being COT 90 of 2024, the Saha
Institute of Nuclear Physics (hereinafter referred to

as SINP) and its functionaries have preferred the present review application being RVW 270 of 2025 along with an application for stay being IA No.CAN 1 of 2026.

Mr. Chatterjee, learned advocate appearing for the review applicants argues that certain material documents forming part of the paper book, which were specifically relied upon by the applicants, have not been considered by the Hon'ble Appeal Court while deciding the appeal and accepting the finding of the learned single Judge to the effect that '*the SINP authorities could not even produce any document to show that Joydev had completed ten years of service*'. The documents annexed at pages 79 and 200 of the stay application would clearly reveal that Joydev rendered ten years of service prior to his promotion.

Mr. Chatterjee further argues that the Hon'ble Appeal Court did not take into consideration the 2004 Rules though the same were the operative norms at the material time. The said 2004 Rules/norms were applicable to the service conditions and promotions within SINP, which pre-date the 2019 norms. Such non-consideration

constitutes an error apparent on the face of the records.

Mr. Bose, learned advocate appearing for the writ petitioner/respondent submits that it is not a case that even after exercise of due diligence certain documents could not be brought to the notice of the Court. The documents annexed at pages 79 and 200 of the stay application, upon which reliance has been placed by Mr. Chatterjee, were already on record before the Hon'ble Appeal Court.

He further argues that there is no patent error apparent on the face of the records. 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 in course of hearing.

He contends that the argument, as advanced by Mr. Chatterjee, that the 2004 Rules were applicable at the material time was open to be argued in course of hearing of the appeal.

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

It cannot be disputed that the documents annexed at pages 79 and 200 of the stay application, upon which reliance has been placed by Mr. Chatterjee,

were brought on record in course of hearing of the appeal. The contention of the applicants that the observation made by the learned single Judge that the SINP authorities failed to produce any document to establish that Joydev had completed 10 years of service was neither incorporated in the memorandum of appeal nor in course of hearing of appeal. There is a difference between an erroneous decision and an error apparent on the face of record. The former, if urged, could have been assessed by the Hon'ble Appeal Court. Matters which ought to have been urged in course of hearing of appeal, cannot to be agitated afresh in the review application moreso when review proceedings are not by way of appeal. The grounds taken in the review application do not in any manner establish any error on the face of the records nor had the review application been preferred upon discovery of any new and important piece of evidence.

For the reasons discussed above, no interference is called for in the present review application being RVW 270 of 2025 and the application for stay being IA No.CAN 1 of 2026 and the same are, accordingly, dismissed.

Mr. Bose informs this Court that the contempt application has already been served upon the alleged contemnors. However, Mr. Chatterjee, who has instructions to represent the alleged contemnors, prays for an accommodation today to avail necessary instruction.

In view thereof, the contempt application be de-tagged and placed for further consideration in the daily supplementary list of this Court on 22nd June, 2026.

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.)