

RVW/376/2025
with
CAN/1/2025
with
WP.CT/353/2024

SUBRATA DAS
VS.
THE UNION OF INDIA AND ORS.

Mr. Phatick Chandra Das, Adv. (Through V.C.)
Mr. Anurag Chatterjee, Adv.
....For the Petitioner

Mr. Indrajeet Dasgupta, Adv.
Mr. Rajesh Kr. Shah, Adv.
Mr. Sandipan Das, Adv.
...For the Respondent/
Union of India

Dictated by **Sujoy Paul, CJ.**

1. Parties are represented through their respective learned counsel.
2. Heard on admission.
3. This review petition seeks review of the judgment passed in WP.CT 353 of 2024 dated 18th November, 2025, whereby writ petition filed by the review petitioner was dismissed.
4. The singular point raised before us by Shri Das, learned counsel for the petitioner is based on Para-II of the review petition. It is contended that as per admitted facts the claim of petitioner for compassionate appointment was considered in the year 2003 and he was selected. Thereafter, the policy of compassionate appointment had

undergone a change. The petitioner's claim needs to be decided on the basis of original policy and not on the basis of a changed/modified policy. Thus, petitioner ought to have been given the benefit of compassionate appointment pursuant to his original selection in the year 2003. No other point is pressed by Shri Das.

5. We have dealt with this point in Para-11 and 12 of the judgment under review which reads thus:-

“11. The admitted facts in this case are that applicant's father was voluntarily retired on medical grounds with effect from 26th July, 2000. The applicant was selected for compassionate appointment in 2003 but in the review selection he was not selected. Admittedly, the applicant did not approach the appropriate legal forum seeking the benefit of his selection of the year 2003 immediately. The applicant, on the other hand, had chosen to wait for about 8-9 years and when a new policy of compassionate appointment came into being, he preferred fresh applications for compassionate appointment.

12. In our considered opinion, if applicant wanted to enjoy the fruits of his selection of 2003, he should have filed a petition with quite promptitude before submitting his candidature in the year 2011-2012 onwards. After having participated in the subsequent selections, in our considered judgment, the applicant has waived his right to get the benefit of his selection in the year 2003.”

6. In view of our categorical analysis, we find no error apparent on the face of the record which necessitated review. The petitioner, as held by us in the main case, submitted his candidature

subsequent to introduction of new policy of compassionate appointment and thereafter filed the original application before the Tribunal. He did not seek benefit of first selection in the year 2003 by approaching the Court within reasonable time. Under the garb of review, a new case cannot be permitted to be made out.

7. In absence of any error apparent on the face of the record, admission is declined.
8. Accordingly, the **review petition** is **dismissed**.
9. In view of dismissal of this review petition, **CAN 1 of 2025** is also **dismissed**.
10. No order as to costs.

(SUJOY PAUL, CJ.)

(PARTHA SARATHI SEN, J.)