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Court : Jharkhand

Decided On : Dec-18-2017

Appellant : Ranvijay Narayan Singh and Ors

Respondent : The State of Jharkhand Through Its Secretary Human Resources Development and Ors

Judgement :

1 IN THE HIGH COURT OF JHARKHAND AT RANCHI Civil Review Case No. 93 of 2013 [Arising out of C.W.J.C. No. 3079 of 1997 (P)] 1. Ranvijay Narayan Singh, son of Late Jai Narayan Singh; 2. Sachidanand Sharma, son of Jagdish Sharma; 3. Umakant Sharma, son of Late Baidya Nath Sharma; 4. Sukumar Sen, son of Birendra Kumar Sen; 5. Badri Prasad Sah, son of Jagdish Prasad Sah; 6. Md. Mahi Uddin Ansari, son of Md. Nasiruddin. ... ...Petitioners Versus 1. The State of Jharkhand through its Secretary, Human Resources Development, Nepal House, Ranchi 2. Director, Primary Education, Government of Jharkhand, Nepal House, Ranchi 3. District Superintendent of Education, Dumka. 4. District Superintendent of Education, Deoghar; Respondents CORAM: HON'BLE MR. JUSTICE DR. S. N. PATHAK For Petitioner : Mr. Shresth Gautam, Advocate. For the State: Mr. Pratyush Lala, J.C. to GPIV C.A.V. On 13/07/2017 Pronounced on 18/12/2017 Dr. S.N.Pathak, J.

Heard learned counsel for the parties.

2. Present Civil Review Case No. 93 of 2013 has been preferred for reviewing a portion of order dated 4th May, 2006, passed in C.W.J.C. No. 3079 of 1997 (P) preferred by the petitioners. The said order reads as under: Heard the parties.

2. Petitioners' grievance is that their name was wrongly not included in the panel prepared in 1994 for the districts of Dumka, Deoghar, Sahebganj and Godda.

3. So many assistant teachers appointed between 1981- 83, were terminated in 1984 when it was learnt that they were appointed without following the procedures for appointment. Ultimately, as per the order of Hon'ble Supreme Court, the case of all such persons including the petitioners were considered and the final panel was prepared in 1994. Hundred of teachers including the petitioners were not found fit for inclusion of their names in the final/ waiting panels. After three years, petitioners filed this writ petition. The allegation of discrimination has been denied and disputed in the counter affidavit. In any event, this Court cannot perpetuate illegality, if any. This case is covered by the judgment dated 23.8.2004 passed in LPA No. 477 of 2003 with analogous cases, in which in similar circumstances, it was held that admittedly such teachers like the petitioners have no right to be appointed, their names having not been included in the final panel. It RC2was further held that the life of panel having lapsed after one year i.e. in the year 1995, no appointment can be made from the said panel. Further, there has been substantial change in the situation after bifurcation of the States in the year 2000. Accordingly, this writ petition is dismissed. However, there will be no order as to costs.

3. The petitioners herein had preferred writ petition i.e. C.W.J.C. No. 3079 of 1997 (P) stating inter alia that an advertisement was issued by the unified state of Bihar dated 07.4.1981 inviting applications from both trained as well as untrained candidates. Pursuant to the said advertisement, petitioners and others applied for the same and pursuant to interview held on different dates the present petitioners were appointed following the due process of law on the recommendation made by the District Establishment Committee. After having worked for some period of time the services of the present petitioners were terminated in the month of December 1982 on the ground that the panel of appointment was not approved by the

Regional Director of Education, Government of Bihar. Said impugned action was challenged by filing various writ applications which was finally decided by the Honble Patna High Court in CWJC No. 147 of 1983 and other analogues matters wherein the Hon'ble Court set aside the order of termination and the State respondents had been directed to issue fresh notice before taking any action as against the teachers.

4. Even after aforesaid direction of the Court, the matter remained pending for a long period of time and finally by a non- speaking order dated 30.11.1987, the services of the petitioners as well as other teachers appointed during the period of 1981-82 were again terminated. Again writ applications were filed before the Honble Patna High Court which was finally decided vide order dated 11.08.1989 with the following observations : On the facts of this case, we observe that persons who are qualified for appointment deserve a consideration and appointment, accordingly on such posts for which they are qualified in preference to other candidates who may also be qualified. We, accordingly, direct the respondents to proceed to take appointments of the teachers in the Elementary Schools of Santhal Pargana RC3and Deoghar inviting applications from the petitioners and other persons who have been removed because they were illegally recruited by the District Superintendent of Education and selected if they satisfy the eligibility condition and appoint them. In doing so the respondent state must relax the age limit in case of any petitioners found to have become over age during the period service on stipend and removed. The petitioner and/or any other candidate who may be appointed in the vacancy so created on account of removal of the petitioners and other petitioners appointed by the District Superintend of Education but shall receive emoluments and other benefits by dint of their selection and appointment in accordance with law

5. Being aggrieved by the aforesaid orders, petitioners preferred SLP bearing SLP No. 429 of 1988 and SLP (C) No. 11699/90 which was disposed of vide judgment and order dated 07.02.1991 directing the respondents to consider case of individuals by inviting applications and asking their requisite documents to be produced for finding the eligibility with a further direction to complete the process within 30.6.1991. It is relevant to point out the order of the Honble Apex Court was

to be made applicable to petitioners but also to other similarly situated persons.

6. In pursuance of the direction of the Hon'ble Supreme Court, the respondents issued an advertisement in local papers dated 14.03.1991 calling for applications from the petitioners and identically situated persons for consideration of their eligibility. Petitioners applied for the same through registered cover with A/D on 18.03.1991 to 28.03.1991. The delivery slip thereof was also received by the petitioners dated 02.04.1991. Upon the fresh advertisement so issued in compliance of the order of the Honble Apex Court the present petitioners applied for the same. Another advertisement was also issued by the respondent reiterating the earlier notification calling for requisite documents and also extending the time for filing the application to 20.04.1991. In pursuance to the same, the cases of the applicants were scrutinized and only 81 candidates out of 2000 were reappointment and with regards to the other applicants it was stated that they are either untrained or not qualified. However, the same was assailed before the Honble Supreme Court in contempt proceedings bearing RC4Contempt Petition No. 236-240 of 1991 which was disposed of vide order dated 22.11.991 directing the respondents to carry out the selection process for the candidates including the untrained teachers for appointment, if they are otherwise qualified.

7. Thereafter, in compliance of the Order passed by the Hon'ble Supreme Court, another letter bearing No. 479 C dated 18.01.1992 was issued by the Director, Primary Education, Patna calling for candidates to individually submit the documents for scrutiny who have already sent the representation pursuant to the order of the Honble Supreme Court dated 7.2.1991. Further individual letters were issued to the present petitioners asking to furnish relevant documents for scrutiny. The petitioners appeared on relevant dates before the respective District Superintendent of Education alongwith relevant documents and despite inspection being done and the finding arrived in favour of the petitioners, no step was taken by the respondents to appoint the present petitioners. In the meantime a contempt case bearing Contempt Case No. 89-93/92 was preferred by similarly situated persons in which the Director appeared and admitted that appointment letters were going to be issued shortly. The petitioner no. 1 had appeared in the interview so conducted on 18.02.1992 and a chart showing details of qualification and other

criteria was prepared by the respondents authorities. In the meanwhile, another SLP bearing No. 10051/90 and others came up for adjudication before the Honble Supreme Court which was disposed vide order dated 30.11.1992 directing the respondents to appoint teachers/petitioners without imposing new rule or altered rule and strictly in accordance with order of the Honble Supreme Court dated 07.02.1991 and 22.11.1991. In the said order it was also observed that till this panel is exhausted no new appointment of untrained teacher would be made from outside.

8. It is alleged that another application bearing CWJC No. 7000 of 1992 was preferred before the Honble Patna High Court in which similar order as that of passed in SLP (Civil) No. 10051 of 1990, dated 30.11.1992 was passed. The aforesaid orders were not complied and as such the petitioners in those applications moved by way of filing contempt applications which was registered as MJC RC5No. 1268 of 1998 and MJC No. 1531 of 1993 and MJC No. 1225 of 1993. During pendency of the contempt applications, in complete haste, a draft panel of teachers and candidates was issued vide an advertisement dated 08.02.1994 to make representation against the draft. The reason for rejection was also provided by the respondents authorities in which it was stated that the reason for rejection of application of the petitioner was on the ground of non receipt of application.

9. It is further alleged that draft was divided into 45 categories out of which category nos. 1-44 was of such candidates who were not found eligible for appointment and category no. 45 were for such categories of candidates who were not appointed due to non receipt of their application in terms of the order of the Honble Apex Court dated 07.02.1991 (Annexure-2). The names of the petitioners find figure in category no. 45 wherein their claims were rejected on the ground that their applications were never received by the office of the respondents ignoring the fact that A/D of the applications so sent and receipt thereof was received by the petitioners (Annexure- 3). Thereafter, the final list was prepared in which also names of the petitioners were excluded even when the petitioners had objected against the same. It is alleged that pursuant to the advertisement and submission of documents, petitioners had been called for interview which further substantiate

stand of the petitioner.

10. It is alleged that in the meantime the MJC no. 1531/93 and analogues matters were taken up, which was however dropped on the ground that against the impugned order, SLP bearing No. 24607-24613/95 had been preferred, which was disposed of giving liberty to the petitioners to approach before respondents for redressal of their grievances and with a further direction to state to dispose the application within 6 months thereafter. Pursuant to directions passed by Hon'ble Supreme Court, petitioner approached the respondents which was finally decided by the respondents passing a complete non speaking order.

11. Being aggrieved, petitioners again preferred a writ application bearing CWJC No. 3079 of 1997 (R) which was dismissed vide order dated 4th May 2006 observing therein that the petitioners were not RC6fit for inclusion in the panel and also stating therein that the case of the petitioner is similar to that decided in LPA No. 477 of 2003 and as such the same was dismissed. Since case of petitioner/appellant in LPA No. 477 of 2003 was different to that of the petitioners, they preferred LPA No. 322 of 2006, which was also dismissed on the same ground vide order dated 01.09.2010. Being aggrieved, petitioners preferred SLP which was converted in Special Leave to appeal (Civil) bearing No. 31951 of 2010, which was disposed of vide order dated 4.10.2013 granting liberty to the petitioners to prefer review application, which has been brought on record vide Annexure-16 to the instant Review Application.

12. Mr. Shrestha Gautam, learned counsel appearing on behalf of the petitioners submits that in view of liberty granted by the Hon'ble Supreme Court vide Order dated 04.10.2013 in Petition(s) for Special Leave to Appeal (Civil) No(s) 31951/2010, instant Civil Review has been preferred by the petitioners. Learned counsel strenuously urges that LPA No. 477 of 2003 was filed against the order passed in CWJC No. 3079 of 1997 in which the petitioners of CWJC No. 3079 of 1997 had challenged refusal of their candidature on the ground of being overage/ handicapped persons. Learned counsel further submitted that the case of others had been assailed on the ground of overage or other grounds as their names were not present in the panel so prepared, but in the present case the names of the

present petitioners were existing in the panel but their claims were not considered on the ground that their applications were not received ignoring the fact that they had been called for interview alongwith documents and as such the case of the present petitioners are not similar to that of CWJC No. 3079/97 and LPA no. 477 of 2003. Learned counsel further submitted that one similarly situated person whose name also appears in category no. 45 namely Ramji, whose application was also purported to be not received, had been granted appointment while the similarly situated petitioners whose names also appear at column no. 45, have been denied the similar benefits in a most illegal and arbitrary manner. Learned counsel further submitted that LPA No. 477 of 2003 was not at all preferred by similarly situated employee as the RC7petitioners/appellants in those case were aggrieved by non inclusion in the panel having been found unfit whereas the petitioners herein had not been included in the panel on the supposed ground that the application of the petitioner was not received by the respondent. Learned counsel further emphatically submitted that the order dated 4th May 2006 is apparently bad on the face of it in view of the fact that as per case of the respondents itself, the application of the present petitioners had not been received by them whereas, the impugned order of the Honble Single Judge speaks that the petitioners were not found fit for appointment. Learned counsel fairly submitted that the Honble Supreme Court had categorically held that the list shall not lapse and any appointment shall firstly be made from this list and as such this list could not have lapsed and as such, petitioners have a good case and they could not have been denied appointment. Learned counsel for the petitioners strenuously urges that grounds of dismissal of CWJC No. 3079 of 1997 (R) is erroneous as same was rejected in view of order passed in L.P.A. No. 477 of 2003, whereas LPA No. 477 of 2003 was preferred by not a similarly situated employee rather, the said L.P.A. No. 477 of 2003 had been preferred by the petitioners/appellants who were aggrieved by non inclusion of their name on the ground of being unfit in the panel whereas the petitioners in the instant case were not included in the panel on the supposed ground that their applications had not been received by the respondents. Learned counsel further submitted that draft was divided into 45 categories out of which category nos. 1-44 was of such candidates who were not found eligible for appointment and category no. 45 were such who were not

appointed due to non receipt of their application in terms of the order of the Honble Apex Court dated 07.02.1991 (Annexure-2). The names of the petitioners find figure in category no. 45 rejecting their claims on the ground that their applications were never received by the office of the respondents even when A/D of the applications so sent and receipt thereof was received by the petitioners (Annexure-3). Thereafter, the final list was prepared in which also names of the petitioners were RC8excluded even when the petitioners had objected against the same. Learned counsel submitted that the ground of rejection of claim of the petitioners is further not sustainable in view of the fact that they were duly called for interview and as such, claim of respondents regarding non-receipt of their applications, is not at all acceptable. Learned counsel has drawn attention of this Court towards rejoinder to the counter affidavit filed on 01.12.2014 and further submitted that case of the petitioners is covered by the Judgment dated 17th October, 2014 rendered by a Bench of this Court in C.W.J.C. No. 294 of 2001 which has been allowed taking note of A/D Slips as well as Call Letters and Interview and as such, instant the instant Civil Review Application is fit to be allowed.

13. Per contra, counter affidavit has been filed. Mr. Pratiyush Lala, JC to learned GP-IV submitted that the writ petition has considered all aspects of the matter and has been dismissed after considering case of similarly situated persons and as such, there is no merits in this case and this review petition may be dismissed. Learned counsel submitted that petitioners had been illegally appointed giving go-bye to the rules and regulations. As soon as such illegality had been detected, the appointments had been terminated. However, pursuant to the directions of the Hon'ble Supreme Court, applications had been called for. In pursuance to the said advertisement, more than 2000 applications had been received but the petitioners did not file any application for their claim but they appeared before the Interview Board. Learned State counsel emphatically submitted that the Hon'ble Supreme Court vide its Order dated 22.11.1993, passed in Contempt Case No. 175 of 1993, has clearly mentioned that no claim will be considered of those persons who had not filed their applications and as such, claim of the petitioners does not survive and this review petition is fit to be dismissed. Learned counsel further submitted that in view of non-filing of applications, the writ petition as well as the Letters

Patent Appeal preferred by the petitioners had been rejected and as such, no interference is called for. RC914. From the pleadings available on record in civil review and the arguments advanced by learned counsel for the petitioner, it appears that main point of contention is as under: (i) The dismissal of C.W.J.C. No. 3079 of 1997 (P) in view of Order passed in L.P.A. No. 477 of 2003 is erroneous as the said L.P.A. No. 477 of 2003 had not been preferred by a similarly situated employee, as the petitioners/appellants in said L.P.A. No. 477 of 2003 were aggrieved by non-inclusion of their names in the panel on the ground of having been found unfit whereas the petitioners in C.W.J.C. No. 3079 of 1997 (P) were not included in the panel on the supposed ground that their application had not been received by the respondents, whereas the records clearly falsify the same; (ii)In the impugned Order dated 4th May, 2006 in C.W.J.C. No. 3079 of 1997 (P), it has erroneously been come to the conclusion that petitioner was not found fit for appointment in view of the fact that as per case of the respondent, application of the present petitioner was never received by them. So, the respondents could not have been allowed to take ground of not receiving the application and also not found fit for appointment at the same time. Had there been case of not receiving application, the respondents could not have taken the plea of not found fit for appointment. (iii) While passing impugned order dated 4th May, 2006 in C.W.J.C. No. 3079 of 1997 (P), it has not been considered that the L.P.A. No. 477 of 2003 had been filed against order passed in C.W.J.C. No. 3079 of 1997. Said writ petition i.e. C.W.J.C. No. 3079 of 1997 had been filed on a different ground challenging order of refusal of candidature of the petitioners therein on the ground of they being overage/ handicapped.

15. Before adverting to the contentions of learned counsel for the respective parties, it would be apposite to see scope of review application. In this respect, it is relevant to mention herein Order XLVII, Rule 1 of Code of Civil Procedure, which reads as under:

1. Application for review of Judgment. - (1) Any person considering himself aggrieved - (a) by a decree or order from which an appeal is allowed, but from which no appeal has been preferred; (b) by a decree or order from which no appeal is RC10allowed, or (c) by a decision on a reference from a Court of Small

Causes, and who, from the discovery of new and important matter or evidence which, after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time when the decree was passed or order made, or on account of some mistake or error apparent on the face of the record, or for any other sufficient reason, desires to obtain a review of the decree passed or order made against him, may apply for a review of judgment to the Court which passed the decree or made the order. (2) A party who is not appealing from a decree or order may apply for a review of judgment notwithstanding the pendency of an appeal by some other party except where the ground of such appeal is common to the applicant and the appellant, or when, being respondent, he can present to the appellate Court, the case on which he applies for the review. The ground enumerated in Code of Civil Procedure is specific. The principles for interference in exercise of review jurisdiction are well-settled. The Court passing the order is entitled to review the order, if any of the grounds specified in the aforesaid provision are satisfied.

16. The Hon'ble Apex Court, in the case of Board of Control for Cricket in India and another Vs. Netaji Cricket Club and others, reported in (2005) 4 SCC741 at paragraphs-89 and 90 has held as under:

89. Order XLVII, Rule 1 of the Code provides for filing an application for review. Such an application for review would be maintainable not only upon discovery of a new and important piece of evidence or when there exists an error apparent on the face of the record but also if the same is necessitated on account of some mistake or for any other sufficient reason.

90. Thus, a mistake on the part of the Court which would include a mistake in the nature of the undertaking may also call for a review of the order. An application for review would also be maintainable if there exists sufficient reason therefor. What would constitute sufficient reason, would depend on the facts and circumstances of the case. The words sufficient reason in Order XLVII Rule 1 of the Code are wide enough to include a misconception of fact or law by a Court or even an advocate. An application for review may be necessitated by way of invoking the doctrine actus curiae neminum gravabit. RC1117. The Hon'ble Apex Court, in the

case of M.M. Thomas Vs. State of Kerala and another reported in (2000) 1 SCC666 has held in paragraphs-14:

14. The High Court as a Court of record, as envisaged in Article 215 of the Constitution, must have inherent powers to correct the records. A Court of record envelops all such powers whose acts and proceedings are to be enrolled in a perpetual memorial and testimony. A Court of record is undoubtedly a superior Court which is itself competent to determine the scope of its jurisdiction. The High Court, as a Court of record, has a duty to itself to keep all its records correctly and in accordance with law. Hence, if any apparent error is noticed by the High Court in respect of any orders passed by it, the High Court has not only power, but a duty to correct it. The High Court's power in that regard is plenary. In Naresh Shridhar Mirajkar v. State of Maharashtra, a nine-Judge Bench of this Court has recognised the aforesaid superior status of the High Court as a Court of plenary jurisdiction being a Court of record. In paragraph-16 of the said Judgment, the Hon'ble Apex Court has held as under:

16. Referring to the said passage and relying on the decision of this Court in Naresh Shridhar Mirajkar, a two-Judge Bench of this Court in M.V. Elisabeth v. Harwan Investment & Trading (P) Ltd., has observed thus (AIR Headnote) : The High Courts in India are superior Courts of record. They have original and appellate jurisdiction. They have inherent and plenary powers. Unless expressly or impliedly barred, and subject to the appellate or discretionary jurisdiction of the Supreme Court, the High Courts have unlimited jurisdiction.

18. The Hon'ble Apex Court, in the case of Ram Chandra Singh v. Savitri Devi and others reported in 2004(1) JCR4SC) : (2003) 8 SCC319 at para-41, has held as under:

41. In Rajesh D. Darbar v. Narasingrao Krishnaji Kulkarni, this Court noticed: (SCC p. 223, para-6) The Courts can take notice of the subsequent events and can mould the relief accordingly. But there is a rider to these well-established principles. This can be done only in exceptional circumstances, some of which have been highlighted above. The equitable principle cannot, however, stand in the way of the Court adjudicating the rights already vested by a statute. This well-

settled position need not detain us, when the RC12second point urged by the appellants is focused. There can be no quarrel with the proposition as noted by the High Court that a party cannot be made to suffer on account of an act of the Court. There is a well- recognised maxim of equity, namely, actus curiae neminem gravabit which means an act of the Court shall prejudice no man. This maxim is founded upon jsutice and good sense which serves a safe and certain guide for the administration of law. The other maxim is, lex non cogit ad impossibilia i.e. the law does not compel a man to do that what he cannot possibly perform. The appliability of the abovesaid maxims has been approved by this Court in Raj Kumar Dey v. Tarapada Dey; Gursharan Singh v. New Delhi Municipal Committee and; Mohd. Gazi v. State of M.P.

19. In the case of Vikram Singh alias Vicky Walia and Another Vs. State of Punjab and another reported in (2017) 8 SCC518 the Hon'ble Apex Court has held at para-22 as under:

22. Summarising the principles when review will be maintainable and review will not be maintainable, the following was held in paras-20.1 and 20.2: (Kamlesh Verma case). 20.1. When the review will be maintainable: (i) Discovery of new and important matter or evidence which, after the exercise of due diligence, was not within knowledge of the petitioner or could not be produced by him; (ii) Mistake or error apparent on the face of the record; (iii) Any other sufficient reason. The words any other sufficient reason have been interpreted in Chhajju Ram v. Neki and approved by this Court in Moran Mar Basselios Catholicos v. Mar Poulose Athanasius to mean 'a reason sufficient on grounds at least analogous to those specified in the rule'. The same principles have been reiterated in Union of India v. Sandur Manganese & Iron Ores Ltd. 20.2 When the review will not be maintainable: (i) A repetition of old and overruled argument is not enough to reopen concluded adjudictions. (ii) Minor mistakes of inconsequential import. (iii) Review proceedings cannot be equated with the original hearing of the case. (iv) Review is not maintainable unless the material error, manifest on the face of the order, undermines its soundness or results in miscarriage of justice. (v) A review is by no means an appeal in disguise whereby an erroneous decision is reheard and corrected but lies only for patent error. (vi) The mere possibility of two views on the

subject cannot be a ground for review; (vii)The error apparent on the fact of the record should not be RC13an error which has to be fished out and searched; (viii) The appreciation of evidence on record is fully within the domain of the appellate court, it cannot be permitted to be advanced in the review petition. (ix) Review is not maintainable when the same relief sought at the time of arguing the main matter had been negatived.

20. Be that as it may, having gone through rival submission of parties and Judgments referred hereinabove, this Court is of considered view that in the instant case, no case is made out for review of the order dated 4th May, 2006, passed in C.W.J.C. No. 3079 of 1997 (P). The review of the aforesaid order has been sought for on the ground that the ground for dismissal of writ petition with the observation that case is covered by Judgment dated 23.08.2004, passed in L.P.A. No. 477 of 2003 with analogous cases in which in similar circumstances, it was held that admittedly such teachers like the petitioners have no right to be appointed, their names having not been included in the final panel, is erroneous. Petitioner is also aggrieved by the observation of the Hon'ble Single Judge wherein it has been held that life of panel having elapsed after one year i.e. in the year 1995, no appointment can be made from the said panel; There has been substantial change in the situation after bifurcation of the State in the year 2000. From perusal of observations of Hon'ble Single Judge, it is crystal clear that there is no illegality or any infirmity in the order. No apparent error is found on the face of the order. The grounds taken by the petitioner is not sustainable and as such, the same is rejected. Even if it is assumed that L.P.A. No. 477 of 2003 was factually different but the ratio derived in that case was same. The prayer in the original writ petition was regarding discrimination and they were seeking appointment as their cases were terminated because they were found to be appointed without following the procedures for appointment. Their cases were rejected by this Court, as they were not found fit for inclusion of their names in the final/ waiting panels and also in view of the fact that they had moved this Court after three years by filing writ petition. In L.P.A. No. 477 of 2003, the cases of the appellants/ petitioners were not considered as they were not found fit for appointment. The RC14petitioners were also not found fit for appointment as their applications were not received but the ground remains the same that they were

not found fit for appointment though they appeared in the interview. The Hon'ble Apex Court has clearly held that review proceedings cannot be equated with the original hearing of the case and at the stage of review it is not open to the parties to argue same facts which were argued earlier before the Writ Court as well as L.P.A. Court. Review is by no means an Appeal in disguise whereby erroneous decision is re-heard and corrected. Review is not at all rehearing of the matter all over again and to maintain a review petition, it has to be shown that there has been a miscarriage of justice. Mere possibility of two different views cannot be a ground for review. In the instant case, it can comfortably be said that this Review Petition is not maintainable as the relief sought for earlier at the time of arguments of the main Writ Petition had been negatived and the same relief has been sought for in the present Review Petition. Admittedly, petitioners are seeking appointment from a panel of 1994. Already 23 years have elapsed and as such, writ court has rightly dismissed the case of petitioners on merit that teachers like the petitioners have no right to be appointed and as life of panel has already lapsed after one year in the year 1995 itself, no appointment can be made from the said panel.

21. As a cumulative effect of facts and circumstances enumerated hereinabove, judicial pronouncements and settled principles of law, no case for review is made and this Review Petition has no merits. Consequently, this Review Petition is dismissed. (Dr. S.N. Pathak, J) High Court of Jharkhand at Ranchi Dated: December 18, 2017 RC

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