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**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

**RA No. 56/2021
MA No. 2693/2021
OA No. 1287/2021**

This the 30th day of September, 2021

(Through Video Conferencing)

**Hon'ble Ms. Manjula Das, Chairman
Hon'ble Mohd. Jamshed, Member (A)**

Neelam Rani,
W/o Atul Sharma,
R/o H.No.303, Flat No.2, 3rd Floor,
Street No.15,,
Vijay Vihar, Phase-1, near
Shri Ram Bhawan Institute,
Sector 5, Rohini, Delhi-85

- Review Applicant

By Advocate: Mr. Atul Sharma)

Versus

1. Deputy Secretary,
Through Secretary,
DSSSB, GNCT of Delhi,
FC-18, Institutional Area,
Karkardooma, Delhi-110092
2. Directorate of Education,
Through Director of Education,
Govt. of NCT of Delhi,
Old Secretariat Building,
Civil Lines, Delhi-110054
Email: diredu@nic.in
3. Lieutenant Governor of Delhi,
Government of NCT of Delhi,
Block 6, Raj Niwas Marg, Civil Lines,
New Delhi
E-mail: pstlog.delhi@nic.in - Respondents

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(By Advocate : Mr. Amit Anand)

O R D E R (ORAL)**Hon'ble Ms. Manjula Das :**

This RA has been filed by the applicant with a prayer to set aside the impugned order dated 09.07.2021 passed in OA No. 1287/2021, and to further direct the respondents to provide age relaxation for women candidates up to 40 years for the post of Trained Graduate Teacher, Social Science (female).

2. We perused the record and heard the arguments of Mr. Atul Kumar, learned counsel for the review applicant and Mr. Amit Anand, learned counsel for the respondents.

3. From the perusal of the record, it is seen that the applicant, by way of this RA, prays for setting aside the order dated 09.07.2021 passed by the Division Bench of this Tribunal in OA No. 1287/2021, which is not permissible as per the law. If the review applicant is aggrieved by the order of the Tribunal, he may challenge it before the Hon'ble High Court. There is no provision under which the Tribunal can set aside its own order.

4. Under Order XLVII Rule 1 CPC, a judgment may be open to review, *inter alia*, if there is a mistake or an error apparent

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on the face of the record. An error, which is not self-evident and has to be detected by a process of reasoning, can hardly be said to be an error apparent on the face of the record, justifying the court to exercise its power of review.

5. It is stare decisis that even when the order passed is wrong and erroneous, the R.A. would not be maintainable. It can be entertained only on the limited grounds, such as (i) there is an error apparent on the face of record, (ii) some such documents, which could not be produced at the time of final adjudication despite due diligence, are brought to the notice of the Court with Review Application and (iii) there is some other sufficient reason. We do not find any such ground in the present proceedings.

6. Further, the Hon'ble Supreme Court in **State of West Bengal & others v. Kamal Sengupta & another**, (2008) 2 SCC (L&S) 735 considered the prevalent restrictions imposed upon the Courts for undertaking a review of their own judgment and have consolidated the same under paragraph 35, which reads as under:-



“35. The principles which can be culled out from the above noted judgments are:

- (i) The power of the Tribunal to review its order/decision under Section 22(3)(f) of the Act is akin/analogous to the power of a Civil Court under Section 114 read with Order 47 Rule 1 of CPC.
- (ii) The Tribunal can review its decision on either of the grounds enumerated in Order 47 Rule 1 and not otherwise.
- (iii) The expression "any other sufficient reason" appearing in Order 47 Rule 1 has to be interpreted in the light of other specified grounds.
- (iv) An error which is not self-evident and which can be discovered by a long process of reasoning, cannot be treated as an error apparent on the face of record justifying exercise of power under Section 22(3)(f).
- (v) An erroneous order/decision cannot be corrected in the guise of exercise of power of review.
- (vi) A decision/order cannot be reviewed under Section 22(3)(f) on the basis of subsequent decision/judgment of a coordinate or larger bench of the Tribunal or of a superior Court.
- (vii) While considering an application for review, the Tribunal must confine its adjudication with reference to material which was available at the time of initial decision.
- (viii) Mere discovery of new or important matter or evidence is not sufficient ground for review. The party seeking review has also to show that such matter or evidence was not within its knowledge and even after the exercise of due diligence, the same

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could not be produced before the Court/Tribunal earlier.

7. As such, on the face of the record, we do not find any error apparent in the order dated 09.07.2021 passed by the Tribunal. The R.A. is accordingly dismissed. Consequently, MA No.2783/2021 also stands disposed of.

(Mohd. Jamshed)
Member (A)

(Manjula Das)
Chairman

/lg/mbt/dd