

J.B.Law College and Anr. Vs Madan Hazarika And Ors.

Court: Gauhati High Court

Date of Decision: Dec. 19, 2007

Citation: (2008) 4 GLR 799

Hon'ble Judges: Jasti Chelameswar, C.J. and B.P.Katakey, J

Bench: Division Bench

Advocate: U.K.Nair, A.Chetry, B.Goyal, B.M.Choudhury, D.Kakati, B.Sarma, Advocates appearing for Parties

Judgement

B.P. Katakey, J.

1. Both the Miscellaneous applications seeking leave to file review as well as the review application filed by the applicants are taken up for

consideration together.

2. The applicants sought review of the direction contained in Clause IX of the judgment and order dated 27.9.2006 passed in PIL No. 23/2006,

which reads as follows :

(IX) The Gauhati University shall henceforth, hold the law examinations in different centres so that students of any law college do not appear in

such examination in their own college. Such direction shall be effective for all the law college in the State of Assam.

3. We have heard Mr. B.M. Choudhury, learned counsel appearing on behalf of the applicants as well as Ms. B. Goyal, learned State counsel

appearing on behalf of the respondents.

4. It has been contended by the learned counsel for the applicants that the aforesaid direction issued vide judgment and order dated 27.9.2006

passed in PIL No. 23/2006 has affected the right of the applicant college to hold the law examinations in the college and therefore, the direction

issued requires to be reviewed, more so, when the applicants were not party in the said proceeding.

5. To a query made by the court, the learned counsel, however, could not point out any statutory provision on which right has been claimed to hold

such examination in the college and on the other hand has admitted that the University authority can notify centres for holding law examinations,

which may not necessarily be in the law college where students attended classes. Moreover, more than 1 (one) year has elapsed from the date of

passing the judgment and order and the University has in the meantime conducted examination pursuant to such directions.

6. The applicants in the guise of the present petition sought for rehearing of the petition filed in PIL No. 23/2006, which is not permissible. The

scope of review is very limited and the judgment may be open to review if there is a mistake or an error apparent on the face of the record, i.e., an

error, which is evident and not required to be detected by a process of reasoning. It is also not permissible for erroneous decision to be reheard

and corrected. The review petition has a limited purpose and cannot be allowed to be an appeal in disguise. If the applicants have any grievance

against the judgment and order passed in PIL No. 23/2006, it is open for them to challenge the same before the appropriate forum. The applicants

in the guise of the review petition cannot seek rehearing of the petition as sought to be done in the instant case.

7. In view of the above, we do not find any merit in the present applications and hence these are dismissed. No costs.