

(2007) 12 GAU CK 0021

Gauhati High Court

Case No: Miscellaneous Case No. 4388 of 2007 (in Review Petition No.....of 2007)

J.B.Law College and Anr.

APPELLANT

Vs

Madan Hazarika And Ors.

RESPONDENT

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.