
(2002) 02 AP CK 0102

In the Andhra Pradesh High Court

Case No : Rev. WA Miscellaneous P. No. 3843 of 2001

Kindle School and Another

APPELLANT

Vs

Govt. of A.P. and Others

RESPONDENT

Date of Decision : 08-02-2002

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Order 47 Rule 1

Citation : (2002) 2 ALD 493 : (2002) 3 ALT 95 : (2002) 1 APLJ 230

Hon'ble Judges : Ar. Lakshmanan, C.J;G. Rohini, J

Bench : Division Bench

Advocate : Kalpana Ekbote, for the Appellant; Government Pleader for School Education, for the Respondent

Final Decision : Dismissed

Judgement

Ar. Lakshmanan, C.J.—We have heard the learned Counsel for the review petitioners and perused the grounds of review. The grounds which have now been raised in this review have already been raised before the authorities and also in the writ petition. All the authorities have rejected the case of the review petitioners which was also affirmed by the learned single Judge by a well reasoned order. The learned Judges of the Division Bench have also affirmed the order of the learned single Judge and thereby confirmed the orders passed by the authorities below. There is no error apparent on the face of the record. Under the guise of filing the review petition, the learned Counsel for the review petitioners is trying to re-open, the whole issue and trying to reagitate the issues which have already been finally decided by the authorities and also by the learned single Judge. The Honourable Supreme Court in Smt. Meera Bhanja Vs. Smt. Nirmala Kumari Choudhury, which reads:

"It is well settled that the review proceedings are not by way of an appeal and have to be strictly confined to the scope and ambit of Order 47, Rule 1, CPC. In connection with the limitation of the powers of the Court under Order 47, Rule 1, while dealing with similar jurisdiction available to the High Court while seeking to

review the orders under Article 226 of the Constitution of India, this Court, in the case of Aribam Tuleswar Sharma Vs. Aribam Pishak Sharma and Others, , speaking through Chinnappa Reddy, J., has made the following pertinent observations (para 3):

"It is true there is nothing in Article 226 of the Constitution to preclude the High Court from exercising the power of review which inheres in every Court of plenary jurisdiction to prevent miscarriage of justice or to correct grave and palpable errors committed by it. But, there are definitive limits to the exercise of the power of review. The power of review may be exercised on the discovery of new and important matter or evidence which, after the exercise of due diligence was not within the knowledge of the person seeking the review or could not be produced by him at the time when the order was made; it may be exercised where some mistake of error apparent on the face of the record is found; it may be exercised on any analogous ground. But, it may not be exercised on the ground that the decision was erroneous on merits. That would be the province of a Court of Appeal. A power of review is not to be confused with appellate power which may enable an Appellate Court to correct all manner of errors committed by the Subordinate Court".

has decided the scope and ambit of Order 47, Rule 1 CPC. In view of the observation made by the Supreme Court, we are of the opinion that there is absolutely no scope for any interference with the orders passed by the learned Division Bench.

2. It is represented by the learned Counsel for the review petitioners that an application for recognition has already been submitted and the same is pending. Since the said application is now pending, we direct the District Educational Officer to consider the said application on merits and decide the issue in accordance with law and after affording opportunity to the review petitioners or through their Counsel without being influenced by any of the findings arrived at by this Court, in these proceedings. The said application shall be disposed of within a period of three months from the date of the receipt of a copy of this order. However, we permit the school to continue in the same premises till the end of this academic year and not beyond the said period.

3. The review petition is dismissed with the above observations.