

(2011) 06 UK CK 0092

In the Uttarakhand High Court

Case No : Review Application 353 of 2011 and Delay Condonation Application 5292 of 2011 in Special Appeal 125 of 2010

Manoj Kumar and Others

APPELLANT

Vs

State of Uttarakhand and Others

RESPONDENT

Date of Decision : 21-06-2011

Acts Referred:

Citation : (2011) 2 UD 195

Hon'ble Judges : Barin Ghosh, C.J.;Serves Kumar Gupta, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

Barin Ghosh, C.J.—These review applications are belated. Accordingly, applications for condonation of delay in preferring these review applications have been filed.

2. Considering the averments, made in the applications for condonation of delay in preferring the review applications, and being satisfied with the reasons furnished therein, we allow the same.

3. Heard on the review applications.

4. It is the contention in the review applications that while rendering the judgments and orders under review, the Court misunderstood the order of the Government dated 12.12.2007 and, in particular, paragraph 12 thereof. We think that the interpretation, which the review Applicants are seeking to give to paragraph 12 of the said order of the Government, is erroneous. In the order of the Government dated 12.12.2007, the Government has recorded that it was taking steps to impart training to only those, who have regular B.Ed. Degree, whereupon, writ petitions were filed by those B.Ed. Degree holders, who obtained the same through correspondence course and obtained interim orders and in terms thereof, some of them came in the merit list and, of them, some were enrolled for training in some other districts, but the remaining were not

enrolled. The Government Order says that the writ petitions were thereafter dismissed, but despite dismissal, enrolment of those B.Ed. Degree holders, who obtained the same through correspondence course, in terms of those interim orders, were not interfered with. The Government Order records that a Division Bench of this Court, thereupon, was looking into the matter, when it directed the Government to take a policy decision and thereafter the Government took the decision, and that decision is reflected in paragraph 12 of the said Government Order. In that, it has been specifically provided that without disturbing the merit list of the people already in the merit list, another merit list is required to be prepared for those B.Ed. Degree holders, who obtained the same through correspondence course. The judgments and orders under review proceeded on that basis and, accordingly, felt that there was a requirement to notify the said decision in correct spirit and, accordingly, altered the advertisement. In the present review applications, review Applicants are contending that the Government Order stood confined only to those B.Ed. Degree holders, who obtained the same through correspondence course and who were already made part of the merit list that had been prepared. In other words, those who had obtained interim orders. If that be so, Government Order would have made the same clear. These review applications, accordingly, are meritless.

5. It was contended that at present, there is no scope of giving training as per paragraph 12 of the said decision of the Government. This information was not supplied at the time, when the judgments and orders under review were passed. It is not the contention that the change occurred only after the judgments and orders under review were passed. Therefore, there is no just reason why, at the time, when the judgments and orders under review were rendered, the said information was not supplied to the Court, so as to enable the Court to ponder on the matter and go into the substance thereof. Such an information is no ground for review and, accordingly, the review applications fail and the same are dismissed.