

(2000) 08 SC CK 0100

In the Supreme Court Of India

Case No : RP (C) No"s. 811 to 829 of 2000 in CA No"s. 6590-97 of 1999

Nand Kishore Ahirwar and Another

APPELLANT

Vs

Haridas Parsedia and Others

RESPONDENT

Date of Decision : 17-08-2000

Acts Referred:

Citation : AIR 2000 SC 2003 : (2000) AIRSCW 1861 : (2000) 3 ALLMR 639 : (2000) 3 CTC 546 : (2000) 7 JT 256 : (2001) 1 LW 86 : (2000) 5 MPHT 321 : (2000) 5 SCALE 59 : (2000) 6 SCC 113 : (2000) 1 SCR 447 Supp : (2000) 4 Supreme 373 : (2000) 3 UPLBEC 2047

Hon'ble Judges : U. C. Banerjee, J;S. B. Majmudar, J;A. P. Misra, J

Bench : Full Bench

Final Decision : Disposed Of

Judgement

1. Delay condoned.

2. We have carefully considered the review petitions and the grounds in support thereof. The fact that in a subsequent matter the judgment sought to be reviewed is referred for reconsideration to a Constitution Bench, is irrelevant for deciding the question whether the impugned judgment is required to be reviewed. See Explanation to Order 47 Rule 1 which reads as follows:

"The fact that the decision on a question of law on which the judgment of the court is based has been reversed or modified by the subsequent decision of a superior court in any other case, shall not be a ground for the review of such judgment."

3. Thus even if subsequent Constitution Bench takes a contrary view, it will be no ground for reviewing the judgment in question. Mere reference to Constitution Bench stands on a still weaker footing. Even otherwise, on merits, it has to be kept in view that the decision sought to be reviewed has nothing to do with the question whether there can be dilution of standards in the matter of promotion of employees as referred to in Indra Sawhney case. The issue was entirely different.

In the present cases, there was already dilution of standards in making promotions by granting 10 per cent reduction of marks for SC/ST candidates in examinations for the purpose. The question was when the examination was confined to SC/ST candidates only, such dilution could be resorted to. It was not in dispute between the parties that if at such departmental examinations general category of candidates competed with SC/ST candidates, such dilution was legally permissible. Thus question of dilution for SC/ST candidates only was not on the anvil of scrutiny before this Court in the judgment sought to be reviewed while in Indra Sawhney case such general dilution was not approved. Even otherwise, after insertion of Article 16(4-A) of the Constitution of India by the Constitution (Seventy- seventh Amendment) Act, 1995 this objection would not survive even on merits. For all these reasons, these review petitions are dismissed.