

(2011) 01 AHC CK 0046
In the Allahabad High Court

Case No : Review Petition No. 163019 of 2004 in C.M.W.P. No. 4664 of 2001

Prof. Ram Manohar Misra, Duly Appointed as professor in
Vyakaran Department

APPELLANT

Vs

Chancellor Sampurnanand Sanskrit Vishwavidyalaya and
Others

RESPONDENT

Date of Decision : 03-01-2011

Acts Referred:

Citation : (2011) 5 ADJ 487 : (2011) 112 RD 529

Hon'ble Judges : S.P. Mehrotra, J;Pankaj Mithal, J

Bench : Division Bench

Judgement

S.P. Mehrotra and Pankaj Mithal, JJ.—Case called out in the revised list. None is present for the Petitioner.

2. The writ petition was dismissed by a Division Bench of this Court by the judgment and order dated 10.8.2004.

3. The aforementioned review petition was filed on behalf of the Petitioner seeking review of the aforesaid judgment and order dated 10.8.2004.

4. We have perused the grounds mentioned in the review petition. We find that the Petitioner is seeking to question the correctness of the judgment and order dated 10.8.2004 on merits by filing the aforementioned review petition.

5. It is well settled that the Court while dealing with a review petition cannot act as an Appellate Court and consider the merits of the judgment sought to be reviewed. A review petition cannot be an appeal in disguise.

6. Reference in this regard may be made to the following decisions:

1. Lal Mohammad v. S.D.O., Bareilly and Anr. 1959 ALJ 223

2. Smt. Savitri Devi v. Lal Chand (dead) and Ors. 2004 (55) ALR 690 (para 45)

7. It is, therefore, not open to us to go into the correctness or otherwise of the

judgment and order dated 10.8.2004 on merits while considering the aforementioned review petition. In case the Petitioner was aggrieved by the aforesaid judgment and order dated 10.8.2004 on merits, it was open to him to challenge the same before the higher Court.

8. The aforementioned review petition lacks merits, and the same is liable to be dismissed.

9. The review petition is accordingly dismissed.