

NON-REPORTABLE

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 2057 OF 2022

Ratan Lal Patel

...Appellant

Versus

Dr. Hari Singh Gour Vishwavidyalaya & Another

...Respondents

J U D G M E N T

M.R. SHAH, J.

1. Feeling aggrieved and dissatisfied with the impugned order dated 13.12.2021 passed by the Division Bench of the High Court of Madhya Pradesh, Principal Seat at Jabalpur in Review Petition/Application No. 1189/2020, by which the High Court has allowed the said review petition/application and has recalled order dated 10.11.2020 passed in Writ Appeal No. 748/2017 and has restored the said writ appeal to its file, the original writ petitioner – respondent in the writ appeal before the Division Bench has preferred the present appeal.

2. That the appellant herein filed Writ Petition No. 17517/2014 before the High Court challenging the order of superannuation and seeking directions to continue him in service till completion of age of 62 years. The said writ petition came to be allowed by the learned Single Judge

along with other writ petitions and they were granted the extended age of retirement, i.e, up to 62 years.

2.1 The University filed Writ Appeal No. 748/2017 before the Division Bench of the High Court, challenging the judgment and order dated 23.03.2017 passed in Writ Petition No. 17517/2014. By a detailed judgment and order dated 10.11.2020, the Division Bench of the High Court dismissed the said writ appeal along with other appeals/petition and confirmed the judgment and order passed by the learned Single Judge.

2.2 That thereafter the University, through its Registrar, filed a review application before the Division Bench of the High Court. Order dated 10.11.2020 passed in Writ Appeal No. 748/2017 was sought to be reviewed/recalled/modified/set aside on number of grounds mentioned in the review application. By the impugned order, the Division Bench of the High Court has allowed the said review application and has recalled order dated 10.11.2020 passed in Writ Appeal No. 748/2017 and has restored the writ appeal to its original file.

2.3 Feeling aggrieved and dissatisfied with the impugned order passed by the Division Bench of the High Court allowing the review application and reviewing its earlier order dated 10.11.2020 passed in Writ Appeal No. 748/2017, the original writ petitioner before the learned Single Judge

and the respondent in Writ Appeal No. 748/2017 has preferred the present appeal.

3. We have heard the learned counsel for the respective parties at length. We have gone through the impugned order dated 13.12.2021 passed by the High Court allowing the review application and recalling its earlier reasoned judgment and order dated 10.11.2020 dismissing the writ appeal. The same reads as under:

“Heard learned counsels.

On considering the pleadings, it is noticed that there is apparent error on the face of record which calls for interference. The matter requires reconsideration. Hence, the order dated 10.11.2020 is reviewed and W.P. No. 8096 of 2020, W.A. No. 528 of 2017, W.A. No. 748 of 2017 and W.A. No. 753 of 2017 are restored to their files.

These review petitions are disposed of.”

4. Having considered the impugned order, it can be seen that the impugned order allowing the review application is a cryptic, non-reasoned and non-speaking order. Nothing has been mentioned and/or observed as to what was that error apparent on the face of the record which called for interference. It cannot be disputed that the review jurisdiction can be exercised only in a case where it is found that there is an error apparent on the face of the record and not otherwise. Therefore, while exercising the review jurisdiction, the Court has to first satisfy itself on any error apparent on the face of the record which calls

for exercise of the review jurisdiction. Merely stating that there is an error apparent on the face of the record is not sufficient. It must be demonstrated that in fact there was an error apparent on the face of the record. There must be a speaking and reasoned order as to what was that error apparent on the face of the record, which called for interference and therefore a reasoned order is required to be passed. Unless such reasons are given and unless what was that error apparent on the face of the record is stated and mentioned in the order, the higher forum would not be in a position to know what has weighed with the Court while exercising the review jurisdiction and what was that error apparent on the face of the record.

5. In the present case, except stating that “it is noticed that there is apparent error on the face of record which calls for interference”, nothing has been mentioned on what was that error apparent on the face of the record. Therefore, the impugned order, allowing the review application being a cryptic and non-reasoned order, the same is unsustainable in law and deserves to be quashed and set aside. Hence, the matter is to be remanded to the Division Bench of the High Court to decide the review application afresh, in accordance with law and on its own merits and within the parameters of the review jurisdiction and to pass a speaking and reasoned order.

6. In view of the above and for the reasons stated above, the present appeal is allowed. The impugned order passed by the Division Bench of the High Court dated 13.12.2021 in Review Petition No. 1189/2020 allowing the review application is hereby quashed and set aside. The matter is remitted to the Division Bench of the High Court to consider, decide and dispose of the said review application afresh, in accordance with law and on its own merits and within the parameters of the review jurisdiction and thereafter to pass a speaking and reasoned order. The aforesaid exercise shall be completed within a period of three months from the date of receipt of the present order. However, it is observed and made clear that we have not expressed anything on the merits of the review application in favour of either of the parties. It is ultimately for the Division Bench of the High Court to consider the review application in accordance with law and on its own merits and as observed hereinabove, within the parameters of the review jurisdiction.

7. The present appeal is accordingly allowed in the aforesaid terms. However, there shall be no order as to costs.

.....J.  
[M.R. SHAH]

NEW DELHI;  
MARCH 22, 2022.

.....J.  
[B.V. NAGARATHNA]