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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 8231/2011**

SANTOSH KUMAR

.....Petitioner

Through: Mr. Khagesh B Jha, Ms. Shikha
Sharma Bagga, Mr. Ankit Mann, Mr.
Naman Jain and Ms. Jyoti, Advocates

versus

DIRECTOR OF EDUCATION AND ANR

.....Respondents

Through: Mr. Shri Harsh, Advocate for R-1.
Mr. Pramod Gupta, Ms. Deepakshi
Bhalla and Mr. Umang Dixit,
Advocates for R-2.

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

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07.02.2025

CM APPL. 61170/2024

CM APPL. 61171/2024

CM APPL. 61172/2024

REVIEW PET. 391/2024

1. Mr. Pramod Gupta, learned counsel appearing for the respondent no.2 submits that he has serious objections to the very maintainability of the present review petition. In order to support the said submission, learned counsel refers to the order dated 08.04.2024 passed by the learned Division Bench in LPA 283/2024 captioned ***Ram Kishan Public School vs. Directorate of Education and Anr.***
2. Learned counsel submits that the judgment of which the review



petitioner is seeking a review of, was carried in appeal by the respondent/school by way of the aforementioned LPA which was disposed of *vide* order dated 08.04.2024. In particular, he brings attention of this Court to para 4 of the said order to submit that even the learned Division Bench had examined the issues in respect of the period of three years, which were restricted by this Court for the payment of arrears to the review petitioner. According to him, once that issue has been crystallized and merged into the order of the learned Division Bench, the present review petition on the same score would not be maintainable.

3. Additionally, Mr. Gupta also draws attention of this Court to the para no. 37 of the judgment under Review, to submit that once this Court had already granted the relief and limited the same to three years, the review, as if there is an error apparent on the face of the record, cannot be made out by the review petitioner. On that score too, he states that the review petition is not maintainable.

4. Mr. Khagesh Jha appearing for the review petitioner counters the aforesaid argument by referring to judgments of the learned Division Bench in ***Bharat Mata Saraswati Bal Mandir Senior Secondary School vs. Vinita Singh & Ors*** reported in **2023 SCC OnLine Del 3934** as also the judgment dated 11.10.2023 in LPA No.518/2021 captioned as ***Gaurav Arora vs. Goodlay Public School and Ors.*** to submit that though this Court had relied upon the judgment of the Supreme Court in ***Union of India & Ors. vs. Tarsem Singh*** reported in **(2008) 8 SCC 648** to restrict the arrears payable to three years prior to the date of institution of the underlying/disposed of writ petition, however, had overlooked the law which was settled by then, by the aforementioned judgments of the learned Division Bench of this Court.



5. It is on that basis Mr. Jha submits that the review petition in that context would be available since it is an error apparent on the face of the record, particularly since the judgment under Review was passed in ignorance of the law, prevalent as on that date.

6. Mr. Gupta seriously disputes the said submission.

7. List on 25.04.2025 for consideration on the issue of maintainability of the review petition.

TUSHAR RAO GEDELA, J

FEBRUARY 7, 2025
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