

were not placed before this court at the time of passing the judgment and order dated 17.7.2000 whereunder this court had directed the respondents to hold a DPC in terms of the relevant Recruitment Rules and also further directed that some weightage should be given to the writ petitioner in WP© No.871 of 2000 taking into consideration of her experience in the work. But in fact, learned senior counsel for the petitioner submits that the DPC for the said two posts of Theory Instructors had already been held in the year 1999 before passing the judgment and order of this court dated 17.7.2000, and, such being the situation, in case, had the real fact regarding holding of DPC been brought to the notice of the learned Single Judge, order dated 17.7.2000 would not have been passed.

[4] It is settled position of law that finality of the judgment of superior court should be maintained and review petitions are not to be taken as a routine course. It is also equally well settled that court should ex-debito justitiae as may be necessary in the interest of justice or necessary to do so for the sake of justice by exercising the power of review. This court while exercising power of review within the four corners of the power of review has to strike balance between the principle of finality of judgment and requirement of the superior court to act ex-debito justitiae by exercising the power of review. The Apex Court in Col.Avtar Singh Sekhon Vs Union of India & Ors: AIR 1980 SC 2041 held that review is not a routine procedure but an application for review can be entertained when there is an error manifest on the face of the earlier order resulting in miscarriage of justice. Here, in this case there is manifest error in the judgment and order of this court dated 17.7.2000 inasmuch as the real fact was not brought to the notice of the court at the time of passing the said judgment and order and also it is clear that the DPC for the post of Theory Instructor had already been held before the court passed judgment and order dated 17.7.2000.

[5] Taking into consideration of the submission of the petitioner's learned senior counsel and keeping in view of the law laid down by the Apex Court, and also for doing substantial justice, the earlier judgment and order dated 17.7.2000 passed in WP© No.871 is recalled.

[6] Review petition is allowed.

Accordingly, WP© No.871 of 2000 is hereby dismissed.

Sd/-T.NK.SINGH
JUDGE