HIGH COURT OF ANDHRA PRADESH

* * * *

I.A.No.1 of 2023 In/And WRIT APPEAL No. 933 of 2022

Bet	ween:	
Boo	cha Srinu Babu	Review Petitioner
ANI	D	Review Petitioner
В. Г	Mohan and 3 others	RESPONDENTS
DA	TE OF JUDGMENT PRONOUNCED: 1	13.12.2024
<u>SU</u>	BMITTED FOR APPROVAL:	
	THE HON'BLE SRI JUSTICE RA	AVI NATH TILHARI
	& THE HON'BLE SRI JUSTIC	E V SRINIVAS
1.	Whether Reporters of Local newspa may be allowed to see the Judgment	•
2.	Whether the copies of judgment marked to Law Reporters/Journals	y be Yes/No
3.	Whether Your Lordships wish to see fair copy of the Judgment?	the Yes/No
	-	RAVI NATH TILHARI, J
		V SRINIVAS, J

* THE HON'BLE SRI JUSTICE RAVI NATH TILHARI & THE HON'BLE SRI JUSTICE V SRINIVAS

+ <u>I.A.No.1 of 2023</u> <u>In/And</u> <u>WRIT APPEAL No. 933 of 2022</u>

% 13.12.2024

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Between:		
Bocha Srinu Babu		
ANDReview Petitioner		
B. Mohan and 3 othersRESPONDENTS		
! Counsel for the Rev.Petitioner : Sri P. V. A. Padmanabham,		
Counsel for the Respondents No.2 to 4: Sri V. V. Satish		
< Gist :		
> Head Note:		
? Cases Referred: 1) (2013) 11 SCC 58 2) WP No.16954/2020 & 3167/2021 Decided on 13.04.2022, APHC 3) (2013) 8 SCC 320 4) (1954) 2 SCC 42 5) (1979) 4 SCC 389 6) (1971) 3 SCC 5 7) (2000) 1 SCC 666 8) 2024 SCC OnLine SC 2608		

THE HON'BLE SRI JUSTICE RAVI NATH TILHARI & THE HON'BL SRI JUSTICE V SRINIVAS

<u>I.A.No.1 of 2023</u> <u>In/And</u> WRIT APPEAL No. 933 of 2022

JUDGMENT: (per Hon'ble Sri Justice Ravi Nath Tilhari)

Heard Sri P.V.A.Padmanabham, learned counsel for the review petitioner and Sri V. V. Satish, learned counsel for the respondent Nos.2 to 4.

- 2. I.A.No.1 of 2023 is for review of the Judgment and Order dated 05.05.2023 in W.A.No.933 of 2022 passed by the Co-ordinate Bench of this Court. The review petitioner is the Writ Appellant No.1. He was also the Writ Petitioner No.1 in W.P.No.28275 of 2021 which was dismissed by Order dated 02.11.2022 and against which Writ Appeal No.933 of 2022 was filed.
- 3. The petitioner was appointed as Additional Assistant Engineer (AAE), during the year 2009 with diploma qualification. During service, he attended B.Tech (EEE) examination. The last date of examination for him was 16.08.2010. He obtained provisional certificate of B.Tech (EEE) on 12.07.2012. He made representation to the first respondent-A.P.TRANSCO, represented by Joint Managing Director (Comml. & HRD), Vidyuth Soudha, Vijayawada, Krishna District, Andhra Pradesh, for conversion from post of AAE to Assistant Engineer (AE) on acquisition of qualification of degree under the A.P. State Electricity Board Regulations (in short 'Regulations'). The respondents issued Memo dated

23.03.2012 converting the petitioner for the post of AAE to AE, with effect from 22.03.2012, the date of issue of the provisional certificate.

4. The Writ Petition was filed challenging the Memo dated 22.03.2012 on the ground that the last date of examination should be taken as the criteria for acquisition of the requisite qualification for conversion from AAE to AE post, instead of date of issuance of the provisional certificate of B.Tech course. The petitioner also made an alternative prayer to cancel the order of conversion and treat the petitioner as AAE and entitled to all the benefits of AAE post consequent upon cancellation of the conversion order. The prayer in the writ petition was as under:

"This Writ Petition is filed under Article 226 of the Constitution of India, initially challenging the action of the respondents in not considering the last date of examination as the criteria for conversion of the Additional Assistant Engineer (AAE) post to Assistant Engineer (AE) as was done in the case of several persons and to direct the respondents to take last of examination of B.Tech as the criteria for the conversion of Additional Assistant Engineer post to Assistant Engineer post instead of the issue of provisional certificate of the B.Tech course or in the alternative to cancel the conversion orders issued by the Additional Assistant Engineer and entitled for all the benefits flowing out of such cancellation."

5. Learned Single Judge dismissed the Writ Petition vide Order dated 02.11.2022. It was held that the action of the respondents in considering the conversion from AAE to AE from the date of obtaining the provisional certificate was not violative of the principles of natural justice in view of Regulation 33 (1) and the memo dated 05.02.1991. The Memo dated 05.02.1991 was relied upon to hold that the said memo explicitly indicated that the date of

examination is from the date of the provisional certificate. It was held that the conversion from AAE to AE was made at the own request and therefore, the petitioner could not pray to cancel the conversion and ask for consideration of seniority in the post of AAE.

- 6. The petitioner's Writ Appeal was also dismissed on 05.05.2023.
- 7. The Coordinate Bench observed that the date of acquisition of requisite qualification would be the date on which the provisional certificate was given, since that would be the proof of the fact that the petitioner had acquired the requisite qualification. It has also been observed that the review petitioner himself had delayed in getting the certificate. So he could not turn out and state that the date of examination should be considered as the relevant date. On the first point i.e., as to the date of qualification, on what date?, the Coordinate Bench did not find fault in the order of the learned Single Judge. On the second point, the prayer to cancel the conversion order and to convert the review petitioner as AAE only, with consequential benefit, the Coordinate Bench took the view that the Writ Petitioner could not approbate and reprobate. He exercised his option. The option was accepted. Having exercised the option, he could not turn back and claim retrospective benefits. The Coordinate Bench observed that after the passage of time, the review petitioner could not request for the alternative relief that it should be granted after having exercised the option forgoing his regular service as AAE.
- 8. Challenging the said Order, dated 05.05.2023, the review has been filed.

9. Sri P.V.A. Padmanabham, learned counsel for the review petitioner submitted that the date of acquisition of requisite qualification to acquire the eligibility for conversion to the post of AE from the post of AAE is the date of declaration of the result of B.Tech in which the Petitioner passed. He submitted that the error apparent in the judgment of the Writ Appeal is that in the opinion of that Court, the date of acquisition of the requisite qualification was the date on which the provisional certificate was given since that would be the proof of the fact that the petitioner had acquired the requisite qualification. He submitted that the said view taken in the Judgment under review is contrary to the law laid down in Rakesh Kumar Sharma Vs. State (NCT of Delhi) and **Others**¹ in which the Hon'ble Apex Court held that a person would possess qualification only on the date of declaration of the result. He also placed reliance in W.P.Nos.16954 of 2020 and 3167 of 2021 decided vide Common Judgment dated 13.04.2022, in which also it was held that the date of acquisition of the academic qualification is the date of declaration of the result in which the candidate succeeds and not on the date of issue of Degree/Diploma Certificate. He submitted that in the judgment under review though at another place, it has also been observed that the date of acquisition of qualification in the opinion of the Court is the date on which the candidate is declared to have been passed. Still, the writ appeal was dismissed and the order of the learned Single Judge was confirmed maintaining the conversion of the petitioner's post of AAE to AE from the date of issuance of the provisional

¹ (2013) 11 SCC 58

certificate. Consequently, he submitted that there is an error apparent on the face of the record and the Judgment deserves to be reviewed.

- 10. Sri P. V. A. Padmanabham, learned counsel, next submitted that so far as the second issue is concerned, the doctrine of 'approbate and reprobate' will not apply. The alternative relief prayed was to cancel the conversion order and treat the petitioner as AAE by extending all the benefits including Seniority. He submitted that the petitioner had given the option for acceptance for absorption in A.E and fixing seniority in the cadre of A.E, forgoing the seniority in the cadre of A.A.E. in view of Note-2 in Part-III of the Regulations, Regulation 6 (b). But he could still claim for alternate relief, as the absorption in A.E. post was not given from the correct date. The doctrine of 'approbate and reprobate' could not be applied in such circumstance.
- 11. Sri V. V. Satish, learned counsel for the respondent Nos.2 to 4 submitted that the case of the review petitioner in the Writ Appeal as also in the Writ Petition was from the last date of examination of B.Tech. He submitted that the Writ Petitioner did not advance such an argument, in the writ appeal, which is a new argument, which is not permissible at the review stage. He submitted that the view taken, from the date of issuance of provisional certificate is the correct view as there was memo to that effect. It was for the review petitioner to have applied in time for issuance of provisional certificate but he failed to do so. He submitted that the petitioner had accepted the order of conversion from AAE to AE way back in the year 2011. The writ petition was

filed after about 10 years. He submitted that the Judgment under review does not suffer from any apparent error of law and calls for no interference.

- 12. We have considered the aforesaid submissions and perused the material on record.
- 13. The point for our consideration is as to whether the judgment dated 02.11.2022 suffers from apparent error of law on the grounds of challenge and calls for any interference?
- 14. The submission of Sri P. V. A. Padmanabham is that the date of acquisition of the qualification is date of declaration of result and not the date of issuance of degree/diploma/provisional certificate. The submission of Sri V. V. Satish is that the review petitioner's case before the learned single Judge and also in the writ appeal was that from the last date of examination of B.Tech, the conversion of the post of AAE to AE was to be allowed and not from the date of issuance of the provisional certificate. His submission is that the review petitioner is now setting up a new case i.e., from the date of declaration of the result, though, his case, previously was the date of examination. Consequently, a new plea for the first time cannot be raised in the review petition. It was not raised in the writ appeal for consideration in the judgment.
- 15. So far as the submission of the respondent's counsel, with respect to new plea is concerned, we are not satisfied. The reason is that though the review petitioner had claimed conversion of the post of AAE to AE from the last date of examination of B.Tech and at that time not from the date of declaration of the result of B.Tech, but a perusal of the judgment under review clearly

shows that this aspect as to on what date a person would acquire requisite qualification, whether on the date of declaration of result or on the date of issuance of the provisional certificate, was considered by the coordinate Bench and *inter alia* based thereon, the review petitioner's case was rejected, holding that it is the date of issuance of the provisional certificate. We, therefore, are of the view that this plea, is permissible for the review petitioner, to be taken in the review petition. It is not a new plea, but a plea upon which the learned Coordinate Bench dealt with in the judgment under review and forming the opinion against the review petitioner, writ appeal was dismissed.

- 16. Secondly, in any case, it is a plea of law, which can be determined based on the settled legal position. It does not require neither an elaborate hearing nor any evidence. It also goes to the root of the judgment under review. The only consideration, this Court in exercise of review jurisdiction would make, is if the judgment on this point suffers from any apparent error of law.
- 17. We would reproduce paragraph-10 of the judgment under review which is as under:
 - "10. Hence these cases are not strictly applicable to the delay in these writs is not due to the university. In addition, this Court notices that the relevant rule clearly states that the petitioner shall be entitled to be considered from the date of acquisition of the requisite qualification. In the opinion of this Court, the date of "acquisition" of the requisite qualification would be the date on which the provisional certificate is given. Since that would be the proof of the fact that the petitioner has acquired the requisite qualification. In the cases of gross delay etc., where the others are promoted, sympathetic consideration can arise, but in the case of this nature where the 1st appellant

himself has delayed in getting his certificate, he cannot turnaround and state that the date of examination should be considered as the date of relevant date. It is also possible that in an examination having multiple subjects a person can fail in one or two subjects and pass in other subjects. Thereafter, he can appear in supplementary examinations for the failed subjects. If he passed in the supplementary examinations he will be deemed to have been qualified only when he clears all the subjects. Therefore, it can only be said that he has acquired the requisite qualification when he has cleared the supplementary examination. Thus, the date of acquisition of qualification, in the opinion of this Court, is the date on which the candidate is declared to have been passed. Therefore, for all the above reasons this Court finds no fault in the order passed by the learned single Judge."

18. A reading of the aforesaid paragraph shows clearly that two opinions were expressed by the coordinate Bench. At first place, it was observed

"in the opinion of this Court, the date of "acquisition" of the requisite qualification would be the date on which the provisional certificate is given".

At the second place, it was observed

"thus, the date of acquisition of qualification, in the opinion of this Court, is the date on which the candidate is declared to have been passed".

We are of the view that in the same paragraph, the aforesaid two opinions are contrary to each other. Based on first opinion, it was observed that

".....where the first appellant himself has delayed in getting his certificate he cannot turn around and state that the date of examination should be considered as the date of relevant date..."

19. The date of acquisition of qualification, it is settled in law that, in the absence of any rule/regulation to the contrary, would be the date of declaration of result. The issuance of the provisional certificate, degree or diploma, is only

the proof of acquisition of such qualification, but the date of issuance is not the date of acquisition of the qualification.

- 20. In *Rakesh Kumar Sharma* (supra) the Hon'ble Apex Court in paragraph-21 clearly observed and held as under:
 - "21....The legal proposition that emerges from the settled position of law as enumerated above is that the result of the examination does not relate back to the date of examination. A person would possess qualification only on the date of declaration of the result......"
- 21. In *Medi Apanna v. The Tahsildar, Burji Mandal & ors.*² this Court in paragraph-12 clearly observed and held as under:
 - "12. In view of the aforesaid, this Court is of the considered view that the date of acquisition of the academic qualification is the date of declaration of the result in which the candidate succeeds and not on the date of issue of degree/Diploma certificate. The academic qualification on a specified date can be established by producing the necessary certificates, degrees or mark sheets even later, subject of course to any rule to the contrary."
- 22. In view of the aforesaid, the error apparent in the judgment under review is, (i) two contrary opinions were expressed with respect to the date of acquisition of qualification; (ii) the writ appeal was decided based on the opinion that the date of acquisition of qualification is the date on which the provisional certificate is given.
- 23. We say so because the appeal has been decided, affirming the view that it is the date of issuance of the provisional certificate from which date the review petitioner was entitled for conversion of the post from AAE to AE. The

² WP No.16954/2020 & 3167/2021, Decided on 13.04.2022, APHC

said view is contrary to the settled position in law, as declared by the Hon'ble Apex Court in *Rakesh Kumar Sharma* (supra). The second opinion as expressed in the order which we find is, as per the settled law, but based thereon, the writ appeal was not decided.

- 24. Further, the Regulation 33 of A.P.S.E.B.Service Regulations, referred by the learned counsels for both the sides and they submitted that the consideration was under that regulation, provides as under:
- "33. The following provisions prescribe the conditions on which service counts for increments in a time scale:-
 - (1) In cases where the passing of an examination or test confers on a Board employee the right to any benefit or concession, such titles should be deemed to have accrued on the day following the last day of examination or test which he passed.

It is hereby clarified that the ruling given above shall be conferred only to the sanction of increments and its scope should not be widened out of context to matters relating to seniority, promotions etc."

25. The aforesaid regulation thus provides that in cases where the passing of an examination or test confers on a Board employee the right to any benefit or concession, such titles should be deemed to have accrued on the day following the last day of examination or test which he passed. So, this regulation refers to the 'last day of examination or test' which the candidate passed. The Memo dated 05.02.1992 was also referred by the learned counsels for both sides, which clarified that the date on which the provisional certificate was issued by the University in token of having passed the degree examination

shall be taken as the date on which he (the employee) shall be deemed to have obtained the degree. The said Memo dated 05.02.1992 reads as under:

"ANDHRA PRADESH STATE ELECTRICITY BOARD VIDYUT SOUDHA:: HYDERABAD

Memo No.DP/DM.1/647-027/......Dt.05.02.1992

Sub: Estt.- APSE Board – Passing of Degree Examination – Date of eligibility for promotion – reg. Ref. Memo No.DP/DM.1/1541-D1/88-1, Dt.28.07.1991.

- 1. One of the employees of the Board represented that he has passed the three years degree course on the basis that he has passed third year examination of the Andhra Pradesh Open University through the results declared in press on 22.10.1991, he however produced a Provisional Certificate issued by the Andhra Pradesh Open University on 18.11.1991 in token of having passed 3 years Degree Examination. He has therefore requested to consider his case for promotion to the next higher cadre on the basis of the declaration of results published through press on 22.10.1991.
- 2. After careful consideration of the issue, it is clarified that the date on which provisional certificate was issued by the University in token of having passed the Degree Examination shall be taken as the date on which he deemed to have obtained the Degree. The date on which the provisional certificate was issued shall be the basis for considering such cases for promotion to the next higher cadre.
- 3. The Chief Engineer / FA&CCA / Superintending Engineers are therefore requested to follow the above clarification scrupulously in relating to this type of cases.

A.P.V.N.SARMA MEMBER SECRETARY."

26. *Prima facie,* the memo does not clarify nor relate to the 'last date of examination'. It only clarifies that the date on which the provisional certificate is issued shall be deemed to be the date of obtaining the degree. The date on which the provisional certificate was issued shall be the basis for consideration of such cases or promotion to the next higher cadre.

27. The material aspect; as to whether this memo dated 05.02.1992 clarifies 'last date of examination' as under Regulation-33 or the date of issuance of the provisional certificate is deemed to be the date of obtaining the degree, escaped consideration. This aspect is material for the reason that the degree is issued after some time, and in the absence of degree, to entitle the candidate/employee to show the proof of having acquired the qualification, where the provisional certificate has been obtained, the date of the provisional certificate is deemed to be the date of obtaining the degree. Whether such date of obtaining the provisional certificate has been clarified by memo, to be the 'last date of examination under the Regulation-33', prima facie, we are of the view that it is not so. It also cannot be, for the reason that, the last date of examination is a definite date and known. The provisional certificate will be issued only after examination and declaration of result. The last date of examination therefore cannot be after the declaration of result nor it can be deemed to be the date of issuance of the provisional certificate. In no case, the date of examination can be after or on the date of issuance of the provisional certificate. So, the question, whether based on the memo dated 05.02.1992 the date of issuance of provisional certificate could be taken as (i) the last date of examination under Regulation-33; or (ii) deemed date of obtaining the degree, required consideration in correct perspective which has not been done. Rather, the Memo dated 05.02.1992 has been mistakenly read as clarifying the last date of examination under Regulation 33 of the Regulations. It is also so reflected from the judgment of the learned single Judge as well at pages 18-19 of the judgment under appeal, which reads as under;

"....and the Memo dated 05.02.1991, which explicitly indicates that the date of examination is from the date of provisional certificate....."

28. In *Kamlesh Verma v. Mayawati*³ after discussing various decisions on the scope of review jurisdiction, the Hon'ble Apex Court summarized the principles for exercise of the review jurisdiction, also laying down when the review would be maintainable and when not. Paragraph-20 of *Kamlesh Verma* (supra) is as under:

"Summary of the principles

- **20.** Thus, in view of the above, the following grounds of review are maintainable as stipulated by the statute:
 - **20.1.** When the review will be maintainable:
- (i) Discovery of new and important matter or evidence which, after the exercise of due diligence, was not within knowledge of the petitioner or could not be produced by him;
 - (ii) Mistake or error apparent on the face of the record;
 - (iii) Any other sufficient reason.

The words "any other sufficient reason" have been interpreted in *Chhajju Ram* v. *Neki* [(1921-22) 49 IA 144: (1922) 16 LW 37: AIR 1922 PC 112] and approved by this Court in *Moran Mar Basselios Catholicos* v. *Most Rev. Mar Poulose Athanasius* [AIR 1954 SC 526: (1955) 1 SCR 520] to mean "a reason sufficient on grounds at least analogous to those specified in the rule". The same principles have been reiterated in *Union of India* v. *Sandur Manganese & Iron Ores Ltd.* [(2013) 8 SCC 337: JT (2013) 8 SC 275]

20.2. When the review will not be maintainable:

³ (2013) 8 SCC 320

- (i) A repetition of old and overruled argument is not enough to reopen concluded adjudications.
 - (ii) Minor mistakes of inconsequential import.
- (iii) Review proceedings cannot be equated with the original hearing of the case.
- (iv) Review is not maintainable unless the material error, manifest on the face of the order, undermines its soundness or results in miscarriage of justice.
- (ν) A review is by no means an appeal in disguise whereby an erroneous decision is reheard and corrected but lies only for patent error.
- (vi) The mere possibility of two views on the subject cannot be a ground for review.
- (vii) The error apparent on the face of the record should not be an error which has to be fished out and searched.
- (*viii*) The appreciation of evidence on record is fully within the domain of the appellate court, it cannot be permitted to be advanced in the review petition.
- (ix) Review is not maintainable when the same relief sought at the time of arguing the main matter had been negatived."
- 29. In *Moran Mar Basselios Catholicos v. Most Rev.Mar Poulose**Athanansius** the Hon'ble Apex Court observed that the misconception of the Court must be regarded as sufficient reason analogous to an error on the face of the record. It was further opined that it is permissible to rely on the affidavit as an additional ground for review of the judgment.
- 30. In *Aribam Tuleshwar Sharma v. Aribam Pishak Sharma⁵* the Hon'ble Apex Court observed that there is nothing in Article 226 of the Constitution of India to preclude a High Court from exercising the power of review which inheres in every Court of plenary jurisdiction to prevent

^{4 (1954) 2} SCC 42

⁵ (1979) 4 SCC 389

miscarriage of justice or to correct grave and palpable errors committed by it.

But there are definitive limits to the exercise of the power of review. It may be exercised where some mistake or error apparent on the face of the record is found. It may also be exercised on any analogous ground.

- 31. In *O. N. Mohindroo v. District Judge, Delhi* though in a different context, as in that case the power of review under the Advocates Act, 1961 was under consideration and it was also observed by the Hon'ble Apex Court that there the power of review was expressly granted to the Disciplinary Committee of the Bar Council which might on its own motion or otherwise review any order passed by it, and the word 'otherwise' was wide enough and the power of review was not circumscribed by the Act. The Hon'ble Apex Court observed and held that "all processes of the Court are intended to secure justice and one such process is the power of review. No doubt frivolous reviews are to be discouraged and technical rules have been devised to prevent persons from reopening decided cases". The Hon'ble Apex Court further observed, "this Court possesses under the Constitution a special power of review and further may pass any order to do full and effective justice".
- 32. In *M. M. Thomas v. State of Kerala*⁷ the Hon'ble Apex Court observed that the High Court as a court of record as envisaged in Article 215 of the Constitution, must have inherent powers to correct the records. A court of record envelops all such powers whose acts and proceedings are to be enrolled in a perpetual memorial and testimony. It was further observed that the High

^{6 (1971) 3} SCC 5

⁷ (2000) 1 SCC 666

Court as a court of record, has a duty to itself to keep all its records correctly and in accordance with law. If any apparent error is noticed by the High Court in the order passed by it, the High Court has not only power, but a duty to correct it. Para-14 of *M. M. Thomas* (supra) reads as under:

"14. The High Court as a court of record, as envisaged in Article 215 of the Constitution, must have inherent powers to correct the records. A court of record envelops all such powers whose acts and proceedings are to be enrolled in a perpetual memorial and testimony. A court of record is undoubtedly a superior court which is itself competent to determine the scope of its jurisdiction. The High Court, as a court of record, has a duty to itself to keep all its records correctly and in accordance with law. Hence, if any apparent error is noticed by the High Court in respect of any orders passed by it the High Court has not only power, but a duty to correct it. The High Court's power in that regard is plenary. In *Naresh Shridhar Mirajkar* v. *State of Maharashtra* [AIR 1967 SC 1: (1966) 3 SCR 744] a nine-Judge Bench of this Court has recognised the aforesaid superior status of the High Court as a court of plenary jurisdiction being a court of record."

33. In *Gagan Banga v. State of West Bengal*⁸ the Hon'ble Apex Court observed and held as under in paragraph-13:

"13. As pointed out by this Court in V.K. Jain v. High Court of Delhi through Registrar General, our legal system acknowledges the fallibility of Judges. Though this observation was made in the context of Judges of the District Judiciary, it would be equally applicable to those in higher echelons of the judicial hierarchy. As Courts of record, it is necessary that Constitutional Courts recognize errors that may have crept into their judicial orders and rectify the same when called upon to do so. In Rajendra Prasad Arya v. State of Bihar, this Court observed that there can be no dispute with the proposition that the Court always has the power to rectify any mistake

^{8 2024} SCC OnLine SC 2608

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committed by it. Being the Court of the last resort, this Court would not shy away from acknowledging any mistakes in its orders and would be ready to set

right such wrongs."

34. We are of the view that there is error apparent in the judgment

under review and there is sufficient cause to review the judgment.

35. Accordingly, we allow this review application and set aside the

judgment and order dated 05.05.2023 passed in W.A.No.933 of 2022.

36. List the W.A.No.933 of 2022 for fresh hearing before the appropriate

Bench.

37. So far as other submissions of the learned counsels for the parties

i.e., approbate / reprobate, delay in filing writ petition etc., those are also open

to be raised in the writ appeal subject of course to the scope and limitations in

the writ appeal.

Pending miscellaneous petitions, if any, shall stand closed in

consequence.

RAVI NATH TILHARI, J

V SRINIVAS, J

Date: 13.12.2024

Psa/Dsr

Note:

LR copy to be marked

B/o

Dsr