

IN THE HIGH COURT OF BOMBAY AT GOA**CIVIL APPLICATION (REVIEW) NO. 2 OF 2020****IN****WRIT PETITION NO. 992 OF 2018****SATYAVAN B. GAVAS AND 21 ORS.,****... Applicants****Versus****STATE OF GOA, THR. THE CHIEF****SECRETARY AND ANR.,****... Respondents**

Mr Shaikh Mujahidin Ismail, Advocate for the Applicants.

Mr Pravin N. Faldessai, Additional Government Advocate for Respondent nos.1 & 2

**Coram: DAMA SESHADRI NAIDU, &
M. S.. JAWALKAR, JJ.****Date:- 1st October 2020.****Order:**

The petitioners in Writ Petition No.992 of 2018 challenged the Seniority List prepared by the respondent-State for the Forest Guards. This Court, through its Judgment, dated 21/6/2019, held thus:

“Rule is accordingly made absolute, and the petition is disposed of by quashing and setting aside the impugned seniority list issued by Respondent no.2. Respondent nos.1 and 2 are directed to finalize the seniority list in respect of Forest Guards appointed in 2007 on the basis of the order of merit in which the candidates were originally appointed and without reference to batch-wise completion of training.”

2. Now the petitioners have come up with this Review Petition.

3. Heard the learned counsel for the petitioners and the learned

Additional Government Advocate for the respondent-State.

4. The petitioners' counsel has pointed out that that in the judgment, this Court has not considered the impact of the Proviso to Rule 5 of the Goa Government (Seniority) Rules 1967. According to him, if it had been considered, the writ outcome would have been different. That apart, the learned counsel has also pointed out that the selection list which formed the basis for the seniority did not bear the signature of the authority concerned. As such, the very list has become non-est.

5. The learned counsel has also pointed out that earlier, when this Court heard the matter, the counsel on record for the petitioners made an incorrect statement. And that false statement has also led the Court to misconceive the facts and the law. And that has eventually resulted in the judgment under review. Therefore, he has urged this Court to consider the case afresh.

6. We are afraid all the grounds the petitioners have raised in the Review Petition are the grounds of merit. They are matters, if ever, for further adjudication at higher echelons. A review cannot be a rehearing on the merits. We fail to see any ground exposing any error apparent on the face of the record, nor have we found any perversity in the Judgment. Even on the question of the Proviso to Rule 5, we see discussion in paragraph 7 of the judgment.

7. As to the alleged incorrect statement by the petitioners' previous counsel, we may note that in a review petition such a plea cannot be entertained. Even otherwise, there ought to have been at least an affidavit

from the previous counsel explaining the circumstances under which he made that alleged incorrect statement. A mere change of the counsel—a practice often adopted in the review petitions and equally often deprecated—cannot provide fresh ground for review of an order or a judgment.

8. Under these circumstances, we find no merit in the Review Petition, and we accordingly dismiss it.

9. At this juncture, the learned counsel for the Review Petitioners orally requested this Court, ostensibly under Article 134A of the Constitution, to certify that the case involves a substantial question of law so that the petitioners may take the matter to the Apex Court. But, in our opinion, this case involves no substantial question of law as to the interpretation of the Constitution or of general importance. Thus, the Review Petitioners' oral application stands rejected.

M. S.. JAWALKAR, J.
ap/-

DAMA SESHADRI NAIDU, J.