

**HIGH COURT OF MEGHALAYA**  
**AT SHILLONG**

MC (Review Petn.) No.13/2021

Date of Order: 28.01.2022

North Eastern Indira Gandhi Regional Vs. Bina Khongbuh & ors  
Institute of Health & Medical Sciences & ors

**Coram:**

**Hon'ble Mr. Justice Sanjib Banerjee, Chief Justice**  
**Hon'ble Mr. Justice W. Diengdoh, Judge**

**Appearance:**

For the Petitioner/Appellant(s) : Ms. K Decruse, Adv  
For the Respondent(s) : None

- i) Whether approved for reporting in Law journals etc.: Yes/No
- ii) Whether approved for publication in press: Yes/No

The review petition is directed against an order dated July 25, 2019 by which the writ petition filed by the present petitioners was disposed of by a reasoned order.

The challenge in course of the proceedings under Article 226 of the Constitution pertained to an order dated June 1, 2018 by which the Central Administrative Tribunal accepted the prayer made by the respondents to the writ petition and allowed the plea carried to the Tribunal. While accepting such case, the Tribunal noticed the definition of "Members of teaching faculty" as contained in Rule 2(j) of the applicable bye-laws. The writ court observed that the Tribunal was justified regarding the petitioners before the Tribunal as being the members of teaching faculty within the meaning of the relevant definition. The writ court recorded that the writ petitioners were unable to demonstrate that there was any error in

the approach of the Tribunal warranting interference in the extraordinary jurisdiction under Article 226 of the Constitution.

In effect, the review petitioners seek to challenge the basis of the order and the consideration that weighed with this Court in accessing the order of the Tribunal dated June 1, 2018. A review petition cannot be used for a *de novo* adjudication of the matter that has already been decided. Grounds of review are distinct from the grounds of appeal. At the highest, the case made out by the review petitioners is that this Court erred in accepting that the respondents herein were covered by the definition pertaining to members of teaching faculty. While it is possible that the review petitioners may be correct, such ground has to be carried to a superior forum and not brought before the same forum for a second bite of the cherry, so to say. Since the review petition is found to be not maintainable on merits, Review petition No.2 of 2022 along with the connected application are disposed of by leaving the petitioners free to carry their grievance to the appropriate forum.

Review Petition No.2 of 2022 along with MC (Review Petn.) No.13 of 2021 stand disposed of as above. There will be no order as to costs.

**(W. Diengdoh)**  
**Judge**

**(Sanjib Banerjee)**  
**Chief Justice**

Meghalaya  
28.01.2022  
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