

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 14th DAY OF NOVEMBER, 2003

BEFORE

THE HON'BLE MR. JUSTICE A.C.KAEBIN

C.R.P.NO.2281 OF 2003 (EAT)

BETWEEN:

MUBEEN BANU
W/O RAFEEQ AHMED
32 YEARS
R/O NO 4,
I CROSS, J.C.ROAD,
BANGALORE 560 002.

... PETITIONER

(By Sri T NARAYANASWAMY,
SRI. MUNIYAPPA & SRI.S.BHASHEER
MOHAMMED, ADVS)

AND :

AL AMEEN EDUCATION SOCIETY
GROUND FLOOR,
ADMINISTRATIVE BLOCK,
AL AMEEN CAMPUS, HOSUR ROAD,
(NEAR LALBAGH MAIN GATE)
REP BY ITS SECRETARY,
(MANAGEMENT OF
AL AMEEN PRIMARY SCHOOL)
HOSUR ROAD,
BANGALORE 560 027.

... RESPONDENT

THIS CRP IS FILED U/S.115 OF CPC AGAINST THE
ORDER DATED 12.6.2003 PASSED IN MA(EAT) NO.11/2003

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ON THE FILE OF THE MEMBER (EAT) & VI ADDL. CITY CIVIL JUDGE, BANGALORE, DISMISSING THE APPEAL FILED BY THE PETITIONER FOR SETTING ASIDE THE ORDER OF TERMINATION AS NOT MAINTAINABLE.

THIS PETITION COMING ON FOR ORDERS THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

This revision petition preferred under Section 115 of C.P.C., is directed against the order dated 12-06-2003 passed by the Educational Appellate Tribunal, Bangalore, in MA (EAT) NC.11/2003. The Full Bench (Larger Bench consisting of Hon'ble Mr. Justice N.K.Jain, the Chief Justice, Hon'ble Mr. Justice T.S.Thakur, Hon'ble Mr. Justice V.G.Sabhahit, Hon'ble Mr. Justice Mohan Shantanagoudar and Hon'ble Mr. Justice H.G.Ramesh) in MFA Nos.1896/1997 c/w 1895/1997, CRP Nos.940/1998, 751/1998, 1758/2000, 776/2000, 1763/2000, 1765/2000, 1760/2000 and 1225/2000 considered the matter of maintainability of such revision petitions preferred under section 115 of the CPC against orders passed by the Educational Appellate Tribunals, the Motor Accident Claims

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Tribunals and Railway Claims Tribunals and by order dated 29th August, 2003, concluded as under:

“40. In view of what we have stated, we hold that

Motor Accident Claims Tribunal (MACT) established under the Motor Vehicles Act, the Education Appellate Tribunal (EAT) established under KPEI (D&C) Act, 1975, now the Karnataka Education Act, 1983 and Railway Claims Tribunal (RCT) established under Railway Claims Tribunal Act, 1987 are not courts subordinate to High Court for the purpose of Section 115 CPC.

Accordingly we answer the referred question in negative and hold that no revision is maintainable.”

In the light of the above-mentioned decision of the Full Bench, it has to be held that this revision petition is not maintainable.

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The learned counsel for the petitioner prayed that the revision petition may be converted into a writ petition. In SADHANA LODH Vs. NATIONAL INSURANCE CO. LTD., AND ANOTHER (2003 (3) SUPREME COURT CASES 524), it is observed that where remedy for filing a revision before the High Court under Section 115 CPC has been expressly barred by a State enactment, only in such case a petition under Article 227 of the Constitution would lie and not under Article 226 of the Constitution. It is also observed that the supervisory jurisdiction conferred on the High Courts under Article 227 of the Constitution is confined only to see whether an inferior court or tribunal has proceeded within its parameters and not to correct an error apparent on the face of the record, much less of an error of law. It cannot be said that the scope of revision under section 115 and the supervisory power of the High Court under Article 227 of the Constitution are same. It is therefore not proper to convert the present revision petition into a writ petition. The parties are at liberty to work out their remedies, in accordance with law, and the dismissal of the revision

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petition does not preclude the revision petitioner from seeking his remedy by way of a writ petition.

With these observations, the revision petition is dismissed. The certified copy of the impugned order shall be returned to the learned counsel for the petitioner immediately without undue delay.

**Sd/-
Judge**

AGV.