

Judicial Review

Service matter – Once the evidence has been accepted by the departmental authority, in exercise of power of judicial review, the Tribunal or the High Court could not interfere with the findings of facts recorded by reappreciating evidence as if the Courts are the Appellate Authority- It is not the case of no evidence or that the findings are perverse – The finding that the respondent is guilty of misconduct has been interfered with by the tribunal and the High Court only on the ground that there are discrepancies in the evidence of the Department – The discrepancies in the evidence will not make it a case of no evidence – The Inquiry Officer has appreciated the evidence and returned a finding that the respondent is guilty of misconduct – Once the evidence has been accepted by the departmental authority, in exercise of power of judicial review, the Tribunal or the High Court could not interfere with the findings of facts recorded by reappreciating evidence as if the Courts are the Appellate Authority – The power of judicial review is confined to the decision-making process – The power of judicial review conferred on the constitutional court or on the Tribunal is not that of an appellate authority – Find that the interference in the order of punishment by the Tribunal as affirmed by the High Court suffers from patent error.

State of Andhra Pradesh & Ors. v. S. Sree Rama Rao, AIR 1963 SC 1723 , B.C. Chaturvedi v. Union of India & Ors., (1995) 6 SCC 749, relied.

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