

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

RP No. 63/2024 in
LPA No. 209/2024 c/w
RP No. 65/2024 in
LPA No. 214/2024

Reserved on: 14.11.2025
Pronounced on: 28.11.2025
Uploaded on: 28.11.2025
Whether the operative part or full
judgment is pronounced: FULL

Nazir Ahmad Dar Aged about 48 years

S/o Gh. Ahmad Dar,

**R/o Nawab Kha Chanabal Tehsil Pattan,
District Baramulla.**

...Petitioner(s)/Appellant(s)

Through: Mr R. A. Jan, Sr. Adv. with Mr. Wahid Lone, Adv.

Vs.

**1. Mohammad Yousuf Dar, S/o Ghulam Mustafa
Dar, R/o Nawab Kha Chainabal Tehsil Pattan,
District Baramulla.**

...Respondent(s)

**2. Union Territory of JK Th. its Commissioner/
Secretary to Govt. School Education
Department, Civil Secretariat, Srinagar.**

3. Director, Education, Srinagar.

**4. Deputy Director School Education Department,
Srinagar.**

5. Chief Education Officer, Baramulla.

6. Deputy Commissioner, Baramulla.

**7. Zonal Education Officer, Singpora Pattan,
Baramulla.**

**8. University of Kashmir Hazratbal, Srinagar
through its Controller examination.**

**9. Gulshan Akhter W/o Mukhtar Ahmad D/o
Aftab Ahmad Dar R/o Nawab Kha Chainbal,
Tehsil Pattan, District Baramulla.**

Through: Mr. Hakim Suhail Ishtiaq Hussain, Adv. for R-1

Mr. S. F. Qadiri, Sr. Adv. with Ms Mariya Ashraf, Adv. for R-8

CORAM:

HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE

HON'BLE MR. JUSTICE MOHD YOUSUF WANI, JUDGE

J U D G M E N T

Per Sanjeev Kumar, J

1. The petitioner seeks review of the judgment dated 10th September 2024 passed by this Court in LPA No. 209/2024 c/w LPA No. 214/2024 both titled Mohammad Yousuf Dar vs. Union Territory of JK & Ors. The review of the judgment is sought on the ground that the judgment sought to be reviewed has been passed by this Court overlooking and ignoring the following material facts:-

- (a) The selection and the consequent engagement of the Applicant Respondent N0.9, as Rehbar-i-Taleem, was/is made on the basis of the Marks Certificate dated 05.02.2010 3rd Year B.A. Final Examination (General Course) confirmed on verification by the Respondent University to be genuine and authentic;
- (b) Stand of the Respondent University on Affidavit, styled as Counter Affidavit forming Annexure-X to the aforementioned LPA No.209/2024 (Page 150 of Paper Book) stating therein in unequivocal terms that the Degree of the Candidate shall be reckoned from the date of result of B.A 3rd year was/is declared'
The position/stand in absolute consonance with the above extracted University Statutes/ Regulations, occupying the field;
- c) Degree Certificate issued by the Respondent University (Page 136 of the Paper Book) certifying the Applicant having passed the Degree Course Examination as regular candidate through Government Degree College Bemina, in the year 2009 Session November – December under Roll N0.54604;
- d) The Judgment in the matter could not in law be reserved, for in view of the hiatus (pause) in continuity of the hearing in the matter caused by the Order of the Hon'ble Division Bench directing the Respondent University to produce the relevant records bearing upon the real matter in issue, had to be continued in order to conclude the hearing in the matter on production of records, or otherwise;

- e) The law declared on the subject by the Hon'ble Supreme Court in Dr. Meera Messi Case reported in 1998 (3) SCC 88, Ashok Chand Singhvi Case reported in 1989 (1) SCC 399 and in Ragindra Prasad Mathur Case reported in 1986 Supp-740, applying on all fours to the facts and circumstances in the case of the Respondent No,9, the Applicant herein;

2. Before we advert to the grounds of challenge set-out hereinabove, a quick recollection of scope of review jurisdiction of this court would be necessary.

3. Apart from the grounds enumerated in Order 47 Rule 1 of the Code of Civil Procedure, on which review by an aggrieved party can be sought, there is ample power vested in this Court under Article 226 of the Constitution of India to review or recall its order where it is necessary to prevent miscarriage of justice or to correct the grave and palpable errors apparent on the face of record committed by it. Such power inheres in every Court of plenary jurisdiction. It is trite that review can be sought broadly on three grounds i.e.,

- (1) Discover of new and important matter or evidence, which, after the exercise of due diligence, was not within the knowledge of the person seeking review or could not be produced by him at any time when an order or judgment was made;
- (2) There is some mistake or error apparent on face of record;
- (3) Any other sufficient cause.

“Sufficient cause” of course has to be *Ejusdem Generis* to other two grounds.

4. Obviously, the cause projected by Mr. R.A. Jan, learned senior counsel appearing on behalf of review petitioner is in reference to ground (2). i.e., an error apparent on the face of record.

5. We have given our thoughtful consideration to the arguments of Mr. R.A. Jan, and the grounds urged by him in support of the review petition, but did not find any merit or substance therein. The errors of fact which have been pointed out by Mr. Jan in paragraph 20 of the review petition have not been overlooked or ignored, but have been considered in the light of record

that was produced before us by the respondent-University. These grounds have not only been noticed by us in the judgment under review, but have been specifically dealt with in the judgment.

6. Paragraph 13, 14, 15 and 16 take care of the arguments which were sought to be reiterated by Mr. Jan, while arguing the review petitions. It is thus not a case of any error of fact or law apparent on the record committed by us, but a case sought to be projected by review petitioners that the points raised have not been correctly decided. In short, the review petitioner seeks re-hearing of the matter and to correct our judgment which as per learned counsel for the review petitioner is not correct in law. We are afraid that review jurisdiction cannot be extended to correct mere errors of law or fact and nor can it become an occasion for re-hearing of the matter for passing a fresh judgment.

7. The review jurisdiction cannot partake the character of appeal by a court against its own order. To reiterate, we may say that Environmental science module was made compulsory by the judgment of Hon'ble Supreme Court in **M.C. Mehta vs. Union of India (AIR 1992 SC 382)**. The issue was considered by this Court in *Imtiyaza Akther vs. University of Kashmir & Ors.* (LPA No. 18/2014) decided on 3rd June 2014. The judgment of the Hon'ble Supreme Court was implemented by the University of Kashmir vide its notification dated 28th April 2004.

8. Be that as it may, the issue has been dealt with and decided by this Court in para 13 of the judgment. May be, as it contended by Mr. Jan, our decision is erroneous on question of law or fact, but that does not make it an error apparent on the face of record. We have applied our mind and have given the decision in light of the material which was before us.

9. The plea of equity raised by the review petitioner in this review petition is equally not tenable in law. This argument was vehemently raised by Mr. Jan during the course of hearing of the petition and the same has been dealt with in para 17 of the judgment under review.

10. Viewed from any angle, it cannot be said that this Court has missed out to consider any of the pleas or the grounds urged by the review petitioner before us. The review petitioner seems to be aggrieved of our judgment and

instead of challenging the same before the appropriate court has filed the instant review petition which is nothing but a cloak of an appeal.

11. None of the grounds urged by Mr. Jan fit in the parameters laid down by the Hon'ble Supreme Court for exercise of review jurisdiction.

12. The review petitioner thus cannot be permitted to re-agitate the matter on merits in the review petition. We have, on the basis of material on record, come to a definite conclusion that the review petitioner has obtained appointment by withholding relevant information that he had not fully qualified B.A examination, in that he was yet to clear the mandatory paper of Environmental Science.

13. For the foregoing reasons, we find no merit in these review petitions and the same are accordingly dismissed.

(MOHD YOUSUF WANI)
JUDGE

(SANJEEV KUMAR)
JUDGE

SRINAGAR:

28.11.2025

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Whether approved for reporting? Yes/No