

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA**Review Petition No. 67 of 2025****Decided on: 31.12.2025**

Jeeva Nand & Ors.

....Petitioners

Versus

State of H.P. & Ors.

...Respondents

*Coram***The Hon'ble Mr. Justice Vivek Singh Thakur, Judge.****The Hon'ble Mr. Justice Sushil Kukreja, Judge.**Whether approved for reporting?¹

For the petitioners :

Mr. Vikrant Chandel, Advocate.

For the respondents :

Mr. Anup Rattan, Advocate
General with Mr. Ramakant
Sharma, Additional Advocate
General, for respondents No. 1 &
2.Mr. Sunil Mohan Goel, Senior
Advocate with Mr. Abhinav M.
Goel, Advocate.

Vivek Singh Thakur, Judge (oral)

Petitioners have approached this Court by filing review petition against judgment dated 20.12.2024, passed in LPA No. 189 of 2024 on the ground that neither at the time of issuance of advertisement nor in the Recruitment and Promotion Rules, there was a condition/term

¹ Whether reporters of Local Papers may be allowed to see the judgment?

regarding exclusion of Clause 7(n) of H.P. State Co-operative Bank Employee (Terms of Employment & Working Condition), Rules, 1979, but the same was introduced for the first time in appointment letter, which was not permissible, as Rules of the game cannot be changed midway.

2. Learned counsel for the petitioners submitted that observations/findings returned in para-17 of the impugned judgment are contrary, as in the advertisement, there was no Clause excluding benefits of 7(n) of the Rules and, therefore, there was no occasion for the petitioners to challenge the said condition before participating in the selection process. Therefore, the observations/findings are contrary to record.

3. Observations/findings referred by learned counsel for the petitioners are as under:-

“17.....The petitioners could have conveniently challenged the terms of the advertisement before participating in the selection process on the grounds that are now being agitated before this Court, but did not choose to do so and thus, as observed above, are estopped from doing so.”

4. Given thoughtful consideration to the submission made by counsel for the petitioners, so far as the plea with respect to change of rules of game in midway, i.e. incorporation of Clause/term excluding benefits of Rule 7(n) referred to (supra) is concerned, the same has been duly considered by learned Single Judge, as well as in the impugned judgment dated 20.12.2024 and possibility of different view cannot be a ground for filing a review petition, though, may be a ground for assailing the impugned judgment, as permissible under law, in an appeal or special leave petition.

5. As regards observations/findings referred by learned counsel for the petitioners related to challenge to be laid to the terms of advertisement before participating in the selection process are concerned, even if the said findings are excluded from the impugned judgment, the findings returned on other issues will remain the same and there will be no impact on the final outcome of the judgment dated 20.12.2024, as these observations/findings are not foundation of the impugned judgment.

6. For correction of factual matrix, we are of the opinion that these lines deserve to be excluded by deleting from para-17 of judgment dated 20.12.2024 and ordered accordingly. Registry to carry out necessary correction in record of LPA No. 189 of 2024 and CWP No. 3189 of 2019. On website, of High Court also, judgment be uploaded with appropriate note of deletion of these observations/findings.

7. Accordingly, the judgment dated 20.12.2024 stands modified. However, for the observations made hereinabove, it has no impact on merits of the conclusion arrived at by the Division Bench and accordingly the review petition is dismissed.

(Vivek Singh Thakur)
Judge

(Sushil Kukreja)
Judge

December 31, 2025
(raman)