

HIGH COURT OF CHHATTISGARH, BILASPUR

REVP No. 125 of 2015

- Sheikh Imamuddin S/o Shri Sheikh Hameed, Aged About 33 Years R/o Village & Post Mainpur, P. S. Mainpur, Tahsil Mainpur, District Gariyaband (Chhattisgarh).....(Petitioner No. 3)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Panchayat & Rural Development Mahanadi Bhawan, Capital Complex, Mantralaya, New Raipur District Raipur (Chhattisgarh)..... (Respondent No. 1)
2. The Deputy Director, Panchayat & Social Welfare Department, Raipur, District Raipur (Chhattisgarh).....(Respondent No. 02)
3. The Collector Gariyaband, District Gariyaband, Chhattisgarh..... (Respondent No. 03)
4. The Chief Executive Officer, Janpad Panchayat Mainpur, District Gariyaband, Chhattisgarh
5. The Block Education Officer, Mainpur, District Gariyaband, Chhattisgarh.....(Respondent No. 05)
6. Rajkumar Gayakwad S/o Shri Sukhelal Gayakwad, Aged About 45 Years Earlier Working As Shikshakarmi Grade III, At Primary School Motipani, Gram Panchayat Bhutbeda, Janpad Panchayat Mainpur, District Gariyaband Chhattisgarh
7. Yogyadeo Sahu S/o Shri Chinta Ram Sahu, Aged About 34 Years Earlier Working On The Post Of Shikshakarmi Grade III, At Primary School Patiyalpara, Janpad Panchayat Mainpur, District Gariyaband Chhattisgarh
8. Dilip Kumar Narang S/o Shri Sukharu Ram Narang, Aged About 39 Years Earlier Working V D N The Post Of Shikshakarmi Grade III At Primary School Bhathapaki, Janpad Panchayat Mainpur, District Gariyaband Chhattisgarh
9. Lukeshwar Kumar Sahu S/o Atmaram, Aged About 27 Years Earlier Posted As Shikshakarmi Grade III, At Primary School Koyaba, Block Mainpur, District Gariyaband (Chhattisgarh).....(Petitioners)

---- Respondents

(Application for review of the order dated 08.04.2015 passed in W.P. (S)
No.1183 of 2015

(By circulation in chamber)

S.B. : Hon'ble Mr. Justice Prashant Kumar Mishra

08/12/2015

IA No.01

1. This is an application for condonation of delay in filing the review petition.
2. For the reasons mentioned in the application (IA No.1), the same is allowed and the delay of 145 days in filing the review petition is condoned.
3. The matter is taken up for consideration in the chamber under provisions of sub-rule (2) of Rule 90 under Chapter VI of the High Court of Chhattisgarh Rules, 2007.
4. The review petitioner (writ petitioner No.3 in WPS No.1183/2015) seeks review of the order dated 08.04.2015 passed in WPS No.1183/2015 contending that the review petitioner has not submitted the forged certificates and in fact he has rightly been awarded 12 marks of his experience certificate, therefore, the Collector cannot recall the order of the Selection Committee. He also contended that the review petitioner has never been supplied with a copy of the enquiry report to submit his response. According to the review petitioner, the order dated 08.04.2015 passed in WPS No.1183/2015 is not on merits.
5. On going through the order dated 08.04.2015, it is manifest that this Court after hearing learned counsel appearing for both the parties and

after appreciating the facts situation of the case has passed the order.

6. There is no other ground pointed out by the petitioner showing any manifest error on the record and has not further brought into the notice, any new facts, which could not be produced earlier despite diligent efforts made by the petitioner. It is well settled principles of law that the review proceedings are not by way of an appeal and have to be strictly confined to the scope and ambit of Order 47 Rule 1 of the Code of Civil Procedure. Even in exercise of review jurisdiction by the High Court under Article 226 of the Constitution, the petitioner has not produced any ground for review.
7. It is well settled principle of law that under the garb of review petition, the petitioner should not be permitted to argue the entire case afresh, which would amount to convert the review petition into an appeal and the same is not sustainable in law. (See: Meera Bhanjan v. Smt. Nirmal Kumar Chowdhary, AIR 1995 SC 455, Lily Thomas etc. v. Union of India and others, AIR 2000 SC 1650, Ajit Kumar Rath v. State of Orissa and others, AIR 2000 SC 85, Government of T.N. & Others v. M. Ananchu Asari and others, (2005) 2 SCC 332, and Kerla State Electricity Board v. Hitech Electrothermicism & Hydropower Ltd. and others, (2005) 6 SCC 651.
8. As a sequel, the review petition, *sans substratum* is liable to be and is hereby dismissed.

Sd/-

Judge

(Prashant Kumar Mishra)