

**HIGH COURT OF CHHATTISGARH, BILASPUR****Review Petition No.115 of 2016**

1. Makbul Alam, son of Miyan Ajami, aged about 34 years,
2. Ajay Mehta, son of Kalipa Prasad, aged about 46 years,
3. Smt. Kathrina Baba, widow of late Y.M. Keketta, aged about 56 years,
4. Premlata Sinha, Daughter of Santosh Sinha, aged about 45 years,
5. Shanti Ekka, Daughter of P. Tappo, aged about 42 years,
6. Kusum Kanti, Daughter of Shri Bahal, aged about 47 years,
7. Smt. Sherofina Kerketta, Daughter of Thomas Kerketta, aged about 47 years,
8. Shanti Tirki, daughter of Sunder Tirki, aged about 47 years,
9. Dasrath Prasad, son of Jhuthan Ram, aged about 51 years,
10. Smt. Reeta Das, wife of Dasrath Prasad, aged about 45 years,
11. Ramdas, son of Arjun Das, aged about 30 years,
12. Jaideep, son of Chitranjan, aged about 45 years,
13. Mohan Ram Minj, son of Jairam Minj, aged about 45 years,
14. Shiv Lal Minj, son of Ramchandra Ram, aged about 48 years,
15. William Ekka, son of Ramchandra Ram, aged about 58 years,

All are working under the Women and Child Development Project,  
Lundra, District Surguja, Chhattisgarh

---- **Petitioners**

**versus**

1. The State of Chhattisgarh, through the Secretary, Department of Women and Child Development, Dau Kalyan Singh Bhawan, Raipur, Chhattisgarh
2. The District Programme Officer, Department of Woman and Child Development, District Surguja, Chhattisgarh
3. The Collector, District Surguja, Ambikapur, Chhattisgarh

---- **Respondents**

|                       |   |                                                 |
|-----------------------|---|-------------------------------------------------|
| For Petitioners       | : | Shri T.K. Tiwari, Advocate                      |
| For State/Respondents | : | Shri Vinod Deshmukh, Deputy Government Advocate |

**Hon'ble Shri Deepak Gupta, Chief Justice**  
**Hon'ble Shri Justice P. Sam Koshy**

**Order on Board**

**Per Deepak Gupta, Chief Justice**

**24.8.2016**

1. This review petition is totally misconceived. The order, which is sought to be reviewed, reads as follows:

"07/09/2015

1. The present appeals arise from the order dated 10.8.2015 dismissing Writ Petition No.5997 of 2006 and Writ Petition No.6157 of 2006. Since the two appeals arise from common order, they have been heard and are being disposed commonly.

2. We find no reason to take any different view of the matter than that taken by the Learned Single Judge that these were matters of policy for the Government to decide in what manner Integrated Child Development Scheme Project was to be run.

3. At this stage, Learned Counsel for the Appellants prays for leave to withdraw the appeals to pursue the matter with the authorities concerned.

4. The appeals are dismissed as withdrawn."

2. This order was challenged by the Petitioners before the Apex Court.

The Apex Court, on 29.4.2016, passed the following order:

"We find from the impugned order that the petitioners here had withdrawn their appeals filed before the Division Bench of the High Court whereby the order of the learned Single Judge was challenged. The impugned order further reflects that the petitioners herein after withdrawing the appeals wanted to pursue the matter with the authorities concerned, in view thereof, the present special leave petitions are not maintainable. However, we make it clear that once the representation is filed that shall be considered by the concerned authorities, in accordance with law.

The Special Leave Petitions are dismissed.

Interlocutory application(s), if any, shall stand disposed of accordingly."

3. The above-quoted order of the Apex Court shows that though the

Special Leave Petition was rejected *in limine*, the Apex Court applied its mind and held that the Petitioners had withdrawn their appeals before the Division Bench of this Court and wanted to pursue their matter with the authorities concerned by way of a representation and, therefore, they were not entitled to file any Special Leave Petition before the Apex Court. Further, liberty has been granted to the Petitioners by the Apex Court that once the representation is filed by them, the same shall be considered by the concerned authorities in accordance with law.

4. We fail to understand how the Petitioners can seek review of the order dismissing the writ appeal as withdrawn, especially when they have failed before the Apex Court.
5. At this stage, Learned Counsel appearing for the Petitioners seeks to withdraw the instant review petition. We are not inclined to grant leave to withdraw the review petition because we find that granting such leave would amount to allowing the Petitioners to abuse the process of law.
6. Accordingly, the review petition is dismissed with cost of Rs.2,000/- (Rupees Two Thousand) jointly payable by the Petitioners to the High Court Legal Services Committee within one month from today.

Sd/-  
**(Deepak Gupta)**  
**CHIEF JUSTICE**

Sd/-  
**(P. Sam Koshy)**  
**JUDGE**