

HIGH COURT OF CHHATTISGARH, BILASPUR

REVP No. 161 of 2015

1. State Of Chhattisgarh Through Its Principal Secretary, Department Of Higher Education, D. K. S. Bhawan, Raipur (Chhattisgarh)

Now State Of Chhattisgarh, Through Its Principal Secretary, Government Of Chhattisgarh, Department Of Higher Education Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur (Chhattisgarh).....(Respondent No. 01)

2. The Commissioner/Director, Higher Education, Government Of Chhattisgarh, Government Science College Campus, Raipur, District Raipur (Chhattisgarh) Now Commissioner, Directorate Of Higher Education, Indravati Bhawan, Naya Raipur, District Raipur (Chhattisgarh).....(Respondent No. 02)
3. The Principal Government R. B. R., N. E. S., Post Graduate College, Jashpur Nagar, District Jashpur (Chhattisgarh).....(Respondent No. 03)
4. The Joint Director Treasury And Account, Directorate, Near Gandhi Chowk, Ambikapur, District Surguja (Chhattisgarh).....(Respondent No. 04)

---- Petitioner

Versus

- Satyanarayan Singh S/o Late B. B. Singh, Aged About 47 Years Laboratory Technician, Government R. B. R., N. E. S. Post Graduate College, Jashpur Nagar, District Jashpur (Chhattisgarh).....(Petitioner)

---- Respondent

Application for review of the order dated 18.12.2013 passed in WPS No.5958 of 2011

By circulation in Chamber

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

09.05.2016

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.01), the same is allowed and the delay of 679 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/State of Chhattisgarh (in short "the petitioner") seeks review of the order dated 18.12.2013 passed by this Court in WPS No.5958 of 2011 on the ground that the case of the writ petitioner is not similar to the case of Ku. Ragini Verma. In fact, Ku. Ragini Verma preferred WPS No.3814 of 2012 before this Court, which is pending consideration.
5. After going through the record of the writ petition, it is manifest that after appreciating all the facts and circumstances of the case, in its true perspective, this Court disposed of the writ petition with a direction that if the case of the petitioner is similar to the case of Ku. Ragini Verma, the respondents shall consider the petitioner's case for grant of annual increment from the date of initial appointment on ad hoc basis.
6. On going through the record of the review petition, it appears that after passing of the order by this Court in WPS No.5958 of 2011, which is sought to be reviewed herein, the representation of the writ petitioner has already been rejected by the order dated 04.11.2015 Annexure A-2.
7. On consideration of the above-stated grounds, which are in the nature of taking liberty to re-argue the writ petition are unsustainable in the eyes of law.
8. 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.

9. It appears that the petitioner by presentation of this review petition seeks an opportunity to argue the entire case afresh on merits under the garb of the review petition, which is not permissible and tenable in law.

10. 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.

11. As a sequel, the review petition, *sans substratum* is liable to be and is hereby dismissed.

Sd/-

Judge

(Prashant Kumar Mishra)

Gowri