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HIGH COURT OF CHHATTISGARH, BILASPUR

Review Petition No. 74 of 2018

Sahiba Shabanam D/o A. L. Khan, Aged About 42 Years, R/o Itwari Bazar, Marathapara, Dhamtari, District Dhamtari, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, General Administration Department Mantralaya, Mahanadi Bhawan, Naya Raipur Raipur, Chhattisgarh

2. Chhattisgarh Professional Examination Board, Through Its Secretary, Raipur, District Raipur, Chhattisgarh

---- Respondents

For Petitioner : Shri Mateen Siddiqui, Advocate
For State : Shri Sunita Jain, P.L.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

14.08.2018

The present review petition has been filed seeking for review of the order dated 17.05.2018 passed in WPS No. 6410/17.

2. Contention of the counsel for the petitioner is that this Court has erroneously not considered the aspect that the petitioner had been at the first instance declared qualified by the respondents as is evident from Annexure P-4 & P-55 which by itself means that the petitioner had all the requisite eligibility criteria except for the skill test for which she was ordered to undergo and which she was otherwise exempted for being a physically challenged candidate. Counsel for the petitioner relied upon Annexure P-

11 which was filed along with the writ petition and also referred to Annexure P-2 dated 20.06.2018 with the review petition.

3. Annexure P-2 dated 20.06.2018 as well as Annexure P-11 dated 08.05.2011 are the two certificates issued by the University which only denote that there was a DCA course which she has undertaken being an annual course. This Court while deciding the writ petition had taken note of the documents which were submitted by the petitioner. So far as the certificates are concerned, it was reflected in the certificates that the course which the petitioner had under taken was a six months course as is evident from Annexure P-10 which was also filed by the petitioner as the course commenced from June, 1997 and culminated in December, 1997. If there is a categorical finding of this Court of the substantive qualification not being there and further this Court had held that even if the petitioner would be entitled for exemption from the skill test, she may still not be qualified for the post she had applied for want of requisite certificate course of a period of one year.

4. The said categorical finding of this Court cannot be permitted to be re-agitated by the petitioner in review jurisdiction where the scope of judicial review is very limited and confined to under Order 47 Rule 1 of CPC and which can be exercised only in the event of there being an error apparent on the face of record. The finding of this Court in the order against which the review has been filed does not appear to be one which has an error apparent on the face of the record rather it is a case of categorical finding. If the petitioner was not satisfied with the said order, the only course available to the petitioner was to challenge the same under the appellate jurisdiction.

5. Thus, Reserving the right of the petitioner to challenge the order passed by this Court in an appellate jurisdiction, the review petition deserves to be and is accordingly dismissed.

Sd/-
P. Sam Koshy
Judge

Bhola