

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****REVP No. 58 of 2019**

- Vijay Kumar S/o Late D.L. Sharma Aged About 35 Years R/o Gudiari, Police Station Gudiari Tahsil And District- Raipur, Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Chief Secretary, Department Of Technical Education Mantralaya, Mahanadi Bhawan, Naya Raipur, Chhattisgarh.
2. Principal Industrial Training Institution Bhilai-2, District Chhattisgarh.
3. Joint Director Industrial Training Institutions, Regional Office, Indrawati Bhawan First Floor D- Block Atal Nagar Raipur, Chhattisgarh.

---- Respondents

Application for review of the order dated 01.07.2014 passed in WPS No. 3733 of 2007

By Circulation in Chamber**S.B.: Hon'ble Mr. Justice Prashant Kumar Mishra****11/07/2019**

1. 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.
2. The review petitioner (for short 'Writ Petitioner') seeks review of

the order dated 01.07.2014 passed by this Court in WPS No. 3733 of 2007 merely on the ground that the case of the petitioner is required to be considered for grant of compassionate appointment because on the date of death of his father, the petitioner was minor and has not attained the age of majority and hence he could not move the application for grant of compassionate appointment within stipulated period.

3. 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 dismissed the Writ Petition holding that once it is proved that in spite of death of the bread-winner, the family survived and substantial period is over, there is no need to make appointment on compassionate ground at the cost of the interest of several others ignoring the mandate of Article 14 of the Constitution.
4. It is also apparent that the Writ Petition was dismissed by this Court in the month of July 2014, whereas the present Review Petition has been filed by the petitioner in February 2019 i.e., after delay of more than four and half years and from the said fact also it is crystal clear that the petitioner is not vigilant and slept over his right for several years and hence petitioner is not entitled for any relief.
5. 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.

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 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.
8. 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 Electrothermicsm & Hydropower Ltd. and others, (2005) 6 SCC 651.

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

SD/-
(**Prashant Kumar Mishra**)
Judge

Gowri