

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**REVP No. 179 of 2018**

1. Guru Ghasidas Central University Through Its Registrar, Guru Ghasidas Central University Koni, Police Station Koni, Tehsil, Bilaspur, District Bilaspur Chhattisgarh.
2. Vice Chancellor, Guru Ghasidas Central University Bilaspur, Police Station Koni, Tehsil, Bilaspur, District Bilaspur Chhattisgarh.
3. School Board Through Its Chairman, Ghasidas Central University Bilaspur, Police Station Koni, Tehsil, Bilaspur, District Bilaspur Chhattisgarh.

---- Petitioner**Versus**

1. Ganesh Prasad Shukla S/o Ganga Prasad Shukla Aged About 33 Years Assistant Professor, Department Of Industrial And Production Engineering , Guru Ghasidas Central University Bilaspur Koni, Police Station Koni, Tehsil Bilaspur, District Bilaspur Chhattisgarh.
2. Indian Institute Of Technology Bombay Through Its Professor- In- Charge, Continuing Education And Quality Improvement Programmes Powai, Mumbai 400076.

---- Respondent**Application for review of the order dated 6-7-2018 passed in WA
No.101 of 2018****By circulation in Chamber****D.B.: Hon'ble Mr. Justice Prashant Kumar Mishra****Hon'ble Mr. Justice Ram Prasanna Sharma****23-1-2019**

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/Guru Ghasidas University (in short “the petitioner”) seeks review of the order dated 6.7.2018 passed by this Court in WA No.101 of 2018 mainly on the ground that with regard to grant of Ph.D study leave to the faculty member of the university the other faculty member of the same department are applying and claiming grant of Ph.D study leave in the light of the order passed by this Court in WA No. 101/2018, whereas as per the scheme grant of Ph.D study leave to any other faculty member of the same department would amount of exceeding 10% of the available regular faculty strength.
3. After going through the record of the writ appeal, it is manifest that after appreciating all the facts and circumstances of the case, in its true perspective and after hearing the learned counsel for the parties at length, this Court decided the writ appeal.
4. On consideration of the above-stated grounds, which are in the nature of taking liberty to re-argue the writ appeal are unsustainable in the eyes of law.
5. 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.

6. 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.
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 Electrothermicsm & 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

Sd/-

Judge
Ram Prasanna Sharma

Gowri