

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Review Petition No. 98 of 2020

P. N. Sinha Son of Late R.B. Sinha Aged About 57 Years Presently Posted At Government Industrial Training Institute Bastar, District Bastar Chhattisgarh, R/o Rudra Chowk, Vikas Vihar, Raipura, District Raipur Chhattisgarh.

---Petitioner(s)

Versus

1. State of Chhattisgarh Through Secretary, Skill Development, Technical Education And Employment Department, Mahanadi Bhawan, Atal Nagar, New Raipur, District Raipur Chhattisgarh.
2. Deputy Secretary Skill Development, Technical Education And Employment Department, Mahanadi Bhawan, Atal Nagar, New Raipur, District Raipur Chhattisgarh.
3. Director Directorate, Skill Development And Technical Education And Employment Department, Indravati Bhawan, New Raipur, District Raipur Chhattisgarh.
4. Department Of Enquiry Commission State Of Chhattisgarh, Through Its Commissioner, Office Of Departmental Enquiry, Commission, Chhattisgarh, D.K.S. Bhawan, Campus, Mahanadi Section, Raipur, District Raipur Chhattisgarh.

---Respondents

For Petitioner	:	Shri Uttam Pandey, Advocate.
For State	:	Ms. Sunita Jain, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

09.07.2020

1. The present review petition has been filed seeking review of the order passed by this court on 27.02.2019 in WP(S) No.1357 of 2019.
2. The challenge in the original writ petition was to the initiation of the disciplinary proceedings against the petitioner on an alleged misconduct committed by him. The issuance of charge sheet dated 18.03.2016 and the subsequent development on that was under challenge in the writ petition. The writ petition came up for hearing on 27.02.2019. This court considering the submissions put forth on either side dismissed the writ petition.

3. The Review Petition now has been filed by the petitioner primarily with the ground that the charge sheet was not sustainable on the ground that the authority who has issued the charge sheet was not competent i.e. to say the competency of the authority who has issued the charge sheet is a ground now being raised in the Review Petition. The second ground raised in the Review Petition is that there is a violation of Rule 18 of Chhattisgarh Civil Services (Classification, Control and Appeal) Rules, 1966.
4. On a query being put to the counsel for the petitioner, he fairly concedes that these two grounds which he intends to raise in the Review Petition were not raised in the Writ Petition.
5. In view of fact that these grounds have been raised for the first time in the present Review Petition, this court is of the firm view that the new grounds can never be a ground for reviewing the order passed on merits at the first instance.
6. It is settled position of law that review of an order is permissible only in the event of there being an error apparent on the face of the records and that the error must be reflected from the pleadings or the order against which the review has been sought for. Therefore, the grounds subsequently available to the petitioner can never be said to be an error apparent on the face of the record calling for review of the order decided on merits based upon the pleadings that were available with the writ petition.
7. So far as the scope of review jurisdiction is concerned, it has been settled by the catena of decisions that by way of exercising review jurisdiction, the court cannot be permitted to go in for rehearing of the entire matter afresh as if the writ petition itself was being decided for the first time on its merit. Neither does under the review petition this court exercises the power of re-

appreciating the entire facts afresh which otherwise is available only for the courts exercising the appellate jurisdiction.

8. Given the said facts and circumstances of the case, the Review Petition stands rejected reserving the right of the petitioner to avail other remedies available under law if any.

Sd/-
(P. Sam Koshy)
Judge

inder