

RA-CW-35-2023, CM-2608-CWP-2023 in CWP-13273-2022

PARDEEP VS THE STATE OF HARYANA & ORS

Present: Mr. Jasbir Singh Mor, Advocate and
Mr. Rajesh Bansal, Advocate
for the applicant-petitioner.

Ms. Vibha Tewari, AAG, Haryana.

CM-2608-CWP of 2023

Exemption is allowed, as prayed for.

RA-CW-35-2023

At the outset, on being asked as to what fact has been recorded incorrectly in the judgment, which fact has been relied by this Court to record the finding in the order sought to be reviewed, learned counsel for the review petitioner conceded that no incorrect fact has been recorded in the judgment dated 22.08.2022 or no incorrect fact has been made the basis for recording the finding therein. That being so, the review petitioner, under the garb of review, are seeking to re-argue the petition so as to convince this Court to come to another conclusion than the one already recorded in the order dated 22.08.2022, which is not permissible. In case, there is no factual error in the order sought to be reviewed, and no incorrect fact has been shown to this Court, which has been made the basis of the order sought to be reviewed, no review lies. Hence, the review petition is not maintainable and is, accordingly, dismissed.

Further, learned counsel appearing on behalf of the applicant review petitioner conceded that there is no factual averment in the writ petition that any similarly situated candidate was granted relief by the respondent themselves and no such argument was raised for the

consideration of this Court at the time of hearing and decision of the writ petition on 22.08.2022.

As the order sought to be reviewed was dictated in the open Court and in the presence of the learned counsel for the parties, it cannot be said that any argument raised by the petitioner was not taken into consideration by this Court or left undecided as no such objection was raised by any of the learned counsel appearing for the respective parties.

Keeping in view the abovesaid conceded position, especially when no factual error on facts has been pointed out to this Court and all the arguments raised before the Court during the hearing were considered and decided in the presence of the learned counsel for the parties concerned and the judgment was dictated in the open Court in their presence only, no ground is made out to review the order dated 22.08.2022 as being prayed in the present petition.

Dismissed.

(HARSIMRAN SINGH SETHI)
JUDGE

February 13, 2023

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