

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.122 of 2023

In
Civil Writ Jurisdiction Case No.3694 of 2020

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Shahid Beg, S/o Late Salauddin Khan Sarkar, Resident of Mohalla- Gandhi
Neem, P.O. and P.S.- Sasaram, District- Rohtas.

... .. Petitioner

Versus

1. The Union of India through the General Manager, East Central Railway, Hajipur, P.O.- Digghi Kala, P.S.- Hajipur, District- Vaishali at Hajipur (Bihar).
2. The Senior Divisional Commercial Manager, East Central Railway, Mugalsarai, P.O. and P.S.- Mugalsarai, District- Chandauli (U.P.), Pin Code 232101
3. The Chief Commercial Manager, East Central Railway, Hajipur, P.O.- Digghi Kala, P.S.- Hajipur, District- Vaishali at Hajipur (Bihar).
4. The Indian Railway Catering and Tourims Corporation Limited, Having Registered Office At B-110001, through its Chairman Cum Managing Director, Having its Corporate Office, 9th Floor, Bank of Baroda Bhawan, 16 Sansad Marg, New Delhi- 110001.
5. The Group General Manager, Indian Railway Catering and Tourism Corporation Limited, Corporate Office, 9th Floor, Bank of Baroda Bhawan, 16 Sansad Marg, New Delhi- 110001.
6. The Group General Manager, Indian Railway Catering and Tourism Corporation Limited, Eastern Zone, 3, Koylaghar Street, Ground Floor, Kolkata-700001.
7. The Area Officer, Indian Railway Catering and Tourism Corporation Limited, Mugalsarai, P.O. and P.S.-Mugalsarai, District- Chandauli (U.P.), Pin Code- 232101.
8. The Regional Manager, Indian Railway Catering and Tourism Corporation Limited, 4th Floor, Biscouman Tower, West Gandhi Maisan, P.O.- G.P.O., P.S. Gaidhai Maidan, District Patna (Bihar), Pin Code- 800001.
9. The Station Manager, East Central, Railway, Sasaram Junction, District Rohtas (Bihar).
10. The Catering and Tourism Inspector, East Central, Railway, Sasaram Junction, District Rohtas (Bihar).

... .. Opposite Parties

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Appearance :

For the Petitioner/s	:	Mr.Prakash Chandra Agrawal, Advocate
For Respondent No.8	:	Mr. R.K. Agrawal, Advocate
		Mr. Sanjeev Kumar, Advocate
For the Opposite Party/s :		Mr. Alok Kumar, C.G.C

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 26-04-2024

The present Civil Review No. 122 of 2023 is arising out of C.W.J.C. No. 3694 of 2020 decided on 15.02.2023. If any order is required to be reviewed with reference to Order 47 Rule 1 of C.P.C., if any, document or statutory provision, which was available on record are as on the date of 15.02.2023 and it was not noticed and in such circumstances only review is permissible.

2. Undisputed facts are that petitioner's father, who was a license holder died on 02.11.2017 with reference to existing license for the period from 21.08.2017 to December, 2017. Clause 18 of the Catering Policy 2017 reads as under:-

"18. TRANSFER OF LICENSE:

Transfer of license to the legal heir would be allowed only in the event of death of the original licensee. The license shall be transferred in the name of the legal heir for the unexpired period of the contract as per General Conditions of Contract (GCC) of Railways. No subletting will be allowed."



3. Taking note of these dates and events, we proceeded to dispose of C.W.J.C. No. 3694 of 2020. The Review petition has been filed in the guise of seeking renewal of his license. Question of renewal of license as on 15.02.2023 is not permissible in view of the fact that there is no existence of license in the eye of law. In other words, question of renewal of license is permissible only if a licensee is in vogue.

4. Be that as it may, the Hon'ble Supreme Court in the case of *Sanjay Kumar Agarwal v. State Tax Officer (1) & Anr.* reported in **2023 SCC OnLine SC 1406** elaborately considered under what circumstances Courts can review its own order. Hon'ble Supreme Court lays down eight principles in Para 16 which reads as under:-

“16. The gist of the afore-stated decisions is that:—

(i) A judgment is open to review inter alia if there is a mistake or an error apparent on the face of the record.

(ii) A judgment pronounced by the Court is final, and departure from that principle is justified only when circumstances of a substantial and compelling character make it necessary to do so.

(iii) An error which is not self-evident and has to be detected by a



process of reasoning, can hardly be said to be an error apparent on the face of record justifying the court to exercise its power of review.

(iv) In exercise of the jurisdiction under Order 47 Rule 1 CPC, it is not permissible for an erroneous decision to be “reheard and corrected.”

(v) A Review Petition has a limited purpose and cannot be allowed to be “an appeal in disguise.”

(vi) Under the guise of review, the petitioner cannot be permitted to reagitate and reargue the questions which have already been addressed and decided.

(vii) An error on the face of record must be such an error which, mere looking at the record should strike and it should not require any long-drawn process of reasoning on the points where there may conceivably be two opinions.

(viii) Even the change in law or subsequent decision/judgment of a co-ordinate or larger Bench by itself cannot be regarded as a ground for review.”

5. Taking note of the principle laid down by the Hon’ble Supreme Court in the cited decision, the review petitioner has not made out the case. Accordingly, the present



petition stands dismissed.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.05.2024
Transmission Date	NA

