

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.173 of 2024

In
Letters Patent Appeal No.80 of 2021

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Jagannath Paswan S/o Late Thakko Paswan, Presently posted as the Chief Engineer, Minor Water Resource Department, Bhagalpur, R/o Bhagalpur MWRD Colony, Chief Engineer Residence, District - Bhagalpur.

... .. Petitioner/s

Versus

1. Bisheshwar Jha Son of Jainarayan Jha, Resident of Village - Parari, P.S. Bangaon, District - Saharsa, presently residing at R/M - House No. 223, Krishna Nagar, Batraha, Ward No. 23, P.S. District - Saharsa.
2. Yogendra Prasad Yadav, Son of Anant Prasad Yadav, Resident of Village - Ward No. 34, P.O. and P.S.- Saharsa, District - Saharsa.
3. Tripurendra Narayan Singh, Son of Late Satrugshan Prasad Singh, Resident of Village - Sahmaura, P.O.- Sahpur, P.S.- Sonbarsa, District - Saharsa.
4. Sudhakar Prasad Singh, Son of Late Sonelal Singh, Resident of Village - Deora, Ward No. 5, P.O.- Patsa, P.S. Hasanpur, District - Samstipur.
5. Rajendra Prasad Singh, Son of Ganesh Prasad Singh, Resident of Village- Dahiwar, P.S. Buxar, District - Bhojpur.
6. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
7. The Principal Secretary, Department of Minor Irrigation, Government of Bihar, Patna.
8. The Deputy Secretary, Department of Irrigation, Government of Bihar, Patna.
9. The Chief Engineer, Minor Water Resources Department, Muzaffarpur.
10. The Executive Engineer, Minor Irrigation Division, Supaul.
11. The Executive Engineer, Minor Irrigation Circle, Saharsa.
12. Superintending Engineer, Minor Irrigation Circle, Saharsa.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shilpi Keshri
For the Opposite Party/s : Mr.Government Advocate 9

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 17-05-2024

Civil Review No. 173 of 2024 arising out of L.P.A No.



80 of 2021 is filed to recall the order dated 10.04.2024 insofar as imposition of fine. In para 2, it is stated that there is an error however, specifically it is not pointed out as to what is the error committed by this court. On the other hand, learned counsel for the review petitioner submitted that review petitioner is due for retirement and he has so face certain administrative difficulties. That cannot be the reason for reviewing our order in the present civil review.

2. Recently, Hon'ble Supreme Court in the case of ***Sanjay Kumar Agarwal v. State Tax Officer (1) & Anr.*** reported in ***2023 SCC OnLine SC 1406*** lays down eight principles in Para 16 which reads as under:-

“16. Insofar as reviewing any order of the court have laid down eight points which reads as under.

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 re-agitate and re-argue 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.”

Taking note of the principles laid down by the Hon’ble Supreme Court the petitioner has not made out case for recalling our order dated 10.04.2024 passed in L.P.A No. 80 of 2021 and civil review petition stands dismissed with cost of Rs. 1,000/- . Cost shall be remitted in the Patna High Court legal Services Committee within a period of eight weeks from today.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

krishnakant/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.06.2024
Transmission Date	NA

