

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.226 of 2023

In
Civil Writ Jurisdiction Case No.779 of 2011

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Vijay Kumar Das, Son of Late Ram Bahadur Das Resident of Dariyapur, Birla
Mandir Road, in front of Khetan Super Marker, P.S.- Pirbahor, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, at Patna.
2. Principal Secretary-cum- Commissioner, Forest and Environmental Department, Government of Bihar, at Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kumar Kaushlendra, Advocate

For the Opposite Party/s : Mr.Sarvesh Kumar Singh (Aag 13)

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL ORDER

3 10-04-2024 Scope of review is limited with reference to Order 47

Rule 1 of CPC. The Hon'ble Supreme Court in the case of
Sanjay Kumar Agarwal vs. State Tax Officer (1) & Anr.
reported in **2023 SCC OnLine SC 1406** laid down eight criteria
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 reargue 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.”

2. Read with the Para 6 of the review petition, it is evident that date of termination is being 31.01.2002 and Appellate Authority order is dated 31.11.2004. Thereafter, petitioner has no statutory remedy on the other hand he had submitted representation on 26.11.2005. Thereafter, matter was pending consideration before the Principal Secretary. It is learnt that petitioner was submitting one or other representations in the



year 2005, 2006, 2008, 2009 and 2010. Thereafter, he has approached this court in filing writ petition. Consecutive representation would not enure to the benefit of petitioner to avail cause of action fresh. Therefore, petitioner has not made out a case so as to review the order dated 21.07.2022 passed in CWJC No. 779 of 2011. Accordingly, the present Civil Review No. 226 of 2023 stands dismissed.

(P. B. Bajanthri, J)

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