

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.215 of 2022

In
Miscellaneous Jurisdiction Case No.1060 of 2022

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1. The Director General of Police, Bihar, Patna.
 2. The Inspector General of Police, Patna Range, Patna.
 3. The Senior Superintendent of Police, Patna.
 4. The Deputy Superintendent of Police, Navin Police Kendra, Patna.
 5. The Deputy Superintendent of Police, Law and Order, Patna.
 6. The Inspector-cum-Station House Officer, Buddha Colony Police Station, Patna.

... .. Petitioner/s

Versus

Gauri Rani daughter of Shri Umesh Kumar Jha resident of Netaji Colony Nasratkhani, Mohanpur, P.O.- Champanagar, P.S.- Lalmatiya Nath Nagar, O.P., District- Bhagalpur, Bihar- 812004.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : None

For the Opposite Party/s: Mr. Sheo Shankar Prasad, Advocate

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

Date : 02-08-2024

None appears for the Review-petitioners.

2. Review-petitioners have sought review of the order dated 08.09.2022 passed in MJC No. 1060 of 2022. It is short order and it reads as under:-

"Heard learned counsels for the parties.

Time and again concerned respondent has sought for time through the State counsel as is evident from the order sheets maintained in the present contempt petition, therefore, the concerned respondent is hereby directed to pay cost of Rs. 10,000/- (Rupees Ten Thousand) from his pocket and not



from the Department and remit the cost in the Patna High Court Legal Services Committee, Patna High Court.

Further he is hereby directed to appear in person and face the contempt proceedings like framing of charges on the next date of hearing.

Re-list this matter on 15.09.2022."

3. I am not satisfied with the grounds in support of reviewing of the order dated 08.09.2022 passed in MJC No. 1060 of 2022. Ultimately, MJC No. 1060 of 2022 was dropped on 10.10.2022 in the light of the fact that petitioner was reinstated on 11.01.2022 and final order in disciplinary proceeding was notified on 13.09.2022.

4. Respondent had assailed order of dismissal dated 04.11.2018 in CWJC No. 13987 of 2021. It was allowed on 08.12.2021 with two fold direction to initiate fresh inquiry and complete within a period of six months and to reinstate petitioner within a period of two months with consequential monetary benefits for the intervening period.

5. Opposite party filed contempt application viz. MJC No. 313 of 2022 for non-compliance of order dated 08.12.2021. It was disposed of on 16.05.2022 while recording that opposite party was reinstated on 11.01.2022 and monetary benefits released on 09.05.2022.



6. MJC. No. 1060 of 2022 was filed in respect of departmental inquiry issue filed on 04.07.2022. Para 14 of the present review is not supported by documents, after filing of the above contempt petition, review petitioners have opened their eyes to expedite the matter. If respondent was not co-operating in the inquiry *ex-parte* inquiry should have been proceeded after due process of law. Disciplinary authority pleaded that he cannot interfere in the inquiry proceedings, it is incorrect, it is court direction matter and he cannot have any excuse. If there is delay in concluding departmental inquiry by the Inquiry Officer and who is his sub-ordinate, he can command. In fact Inquiry Officer's report is also not binding on the disciplinary authority. Moreover it was time bound direction. Opposite party has already filed a contempt for non-compliance of reinstatement and monetary benefits. Review-petitioners are compelling her to knock the door of this Court for every issue.

7. Scope of Civil Review has been analyzed by the Hon'ble Supreme Court in a recent decision in the case of **S. Murali Sundaram vs. Jothibai Kannan & Ors.** reported in **2023 SCC OnLine SC 185**. Hon'ble Supreme Court has elaborately considered under what circumstances Courts can review its own order. Recently in yet another decision in the case of **Sanjay Kumar Agarwal v. State Tax**



Officer (1) & Anr. reported in **2023 SCC OnLine SC 1406** 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 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.”

8. Therefore entertaining civil review is limited to the extent of any patent error or any error on the face of the record. Review Petitioners have not made out case. Civil Review Petition No. 215 of 2022 stands dismissed.

(P. B. Bajanthri, J)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	N/A

