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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 16593/2023**

SHUBHAM PAL AND ORS.

.....Petitioners

Through: **Mr. Ankur Chhibber, Advocate.**

versus

STAFF SELECTION COMMISSION AND ANRRespondents

Through: **Ms. Pratima N. Lakra, CGSC with Mr. Chandan Prajapati and Mr. Prakhar Vashishth, Advocates with Mr. Ashesh Chowdhary, US 9SSC, NR.**

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

30.08.2024

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CM APPL. 50088/2024

1. This is an application under Section 5 read with Section 14 of the Limitation Act read with Section 151 of CPC, 1908 seeking condonation of 188 days in delay in filing the review petition against judgment dated 16th February, 2024, filed on behalf of applicant/respondent.
2. Issue notice.
3. Mr. Chhibber, learned counsel appearing on behalf of the petitioners accepts notice.
4. Though Mr. Chhibber, learned counsel for the petitioners vehemently opposes the condonation of delay, however, in the interest of justice, the delay in filing the review petition is condoned.
5. Application stands disposed of.



REVIEW PET. 319/2024

6. This review petition has been filed on behalf of applicant/respondents under Order 47 Rule 1 read with Section 114 of CPC, 1908 seeking review of the judgment dated 16th February, 2024.

7. Ms. Lakra, learned CGSC appearing for the applicant/respondents submits that the review petition concisely raises the error, according to her, apparent on the face of the record in para 32 of the judgment dated 16th February, 2024. For the said purpose, Ms. Lakra, CGSC refers to page 47 of the document Annexure RP4 appended to the present petition, to submit that as per the Oxford Dictionary, the word ‘Okey’ is a meaningful word in English and which according to the contents of page 47 signifies “*all is correct, alright, satisfactory, good etc.*” In that view of the matter, Ms. Lakra submits that word ‘Okey’ in Question ID-264330171997 would indicate that there are two answers to the said question and not one. On that, she submits that the analysis drawn by this Court is erroneous. Upon a query put by this Court, Ms. Lakra fairly submits that this document at page 47 did not form part of the record before this Court while the judgment dated 16th February, 2024 was passed.

8. Though Ms. Lakra has tried to impress upon this Court the purported error on the face of record by showing pages 48, 49 & 50 of the said document, this Court is unable to appreciate the said argument. This Court has also perused the contents of para 32 of the judgment dated 16th February, 2024 and finds that there is no error apparent on the face of the record nor are there any reasons compelling this Court to review that judgment. Moreover, no such document was placed on record before this Court passed the judgment dated 16th February 2024. Thus, there cannot arise any issue of



error on the face of the record.

9. This Court is fortified in its view by the judgement of Supreme Court in *Kamlesh Verma v. Mayawati*, reported in **(2013) 8 SCC 320** wherein parameters were laid down for scope and ambit of review under Order 47, Rule 1 CPC. The relevant para is extracted hereunder:

“Summary of the principles

20. Thus, in view of the above, the following grounds of review are maintainable as stipulated by the statute:

20.1. When the review will be maintainable:

(i) Discovery of new and important matter or evidence which, after the exercise of due diligence, was not within knowledge of the petitioner or could not be produced by him;

(ii) Mistake or error apparent on the face of the record;

(iii) Any other sufficient reason.

The words “any other sufficient reason” have been interpreted in Chhajju Ram v. Neki [AIR 1922 PC 112] and approved by this Court in Moran Mar Basselios Catholicos v. Most Rev. Mar Poulouse Athanasius [AIR 1954 SC 526] to mean “a reason sufficient on grounds at least analogous to those specified in the rule”. The same principles have been reiterated in Union of India v. Sandur Manganese & Iron Ores Ltd. [(2013) 8 SCC 337 : JT (2013) 8 SC 275]

20.2. When the review will not be maintainable:

(i) A repetition of old and overruled argument is not enough to reopen concluded adjudications.

(ii) Minor mistakes of inconsequential import.

(iii) Review proceedings cannot be equated with the original hearing of the case.



(iv) Review is not maintainable unless the material error, manifest on the face of the order, undermines its soundness or results in miscarriage of justice.

(v) A review is by no means an appeal in disguise whereby an erroneous decision is reheard and corrected but lies only for patent error.

(vi) The mere possibility of two views on the subject cannot be a ground for review.

(vii) The error apparent on the face of the record should not be an error which has to be fished out and searched.

(viii) The appreciation of evidence on record is fully within the domain of the appellate court, it cannot be permitted to be advanced in the review petition.

(ix) Review is not maintainable when the same relief sought at the time of arguing the main matter had been negatived.”

10. In that view of the matter, this review petition is dismissed.

CM APPL. 50089/2024

11. In view of the aforesaid, the present application stands disposed of being infructuous.

TUSHAR RAO GEDELA, J

AUGUST 30, 2024

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