

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.137 of 2022

In
Letters Patent Appeal No.870 of 2019

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Vindeshwar Prasad Memorial Senior Secondary School, Marachi, Paraiya,
Gaya through its teacher Aakash Dayal, Sex-Male, age-26 years approx., S/o
Sunil Kumar, R/o Village and P.O.-Marachi, P.S. Paraiya, District-Gaya.

... .. Petitioner

Versus

1. Bihar School Examination Board Buddha Marg, through its Chairman.
2. The Chairman, Bihar School Examination Board, Patna.
3. Secretary, Bihar School Examination Board, Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Indradeo Prasad, Advocate
For the Opposite Party/s: Mr.

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 20-08-2025

Learned counsel for the Review Petitioner Mr.
Indradeo Prasad, vehemently, argued.

2. The present case is to recall the order dated
04.04.2022 passed in L.P.A. No. 875 of 2019. For the purpose of
reviewing the order of the co-ordinate Bench dated 04.04.2022
passed in L.P.A. No. 875 of 2019, he has to apprise certain
settled position insofar as reviewing the judicial order under
Order 47 Rule 1 of C.P.C. Hon'ble Supreme Court in the case of
S. Murali Sundaram vs. Jothibai Kannan & Ors. reported in



2023 SCC OnLine SC 185 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 to entertain Review petition. Para 16 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.”

3. In view of the aforesaid facts and circumstances, the petitioner could not apprise. Accordingly, the Civil Review No. 137 of 2022 stands dismissed.

(P. B. Bajanthri, J)

(Shailendra Singh, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.08.2025
Transmission Date	NA

