

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.162 of 2023

In
Civil Writ Jurisdiction Case No.16691 of 2015

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1. Rupesh Kumar S/o Binod Kumar, R/o North Dahiyawan Tola, Teachers Colny, Chapra-841301, PO-Chapra, District-Chapra Town-Chapra, P.S. - Chapra Town.
 2. Rinku Kumar, S/o Tripura Nand Singh, R/o Vill and PO-Bodha Chapra, Via-Pratap Pur, Chapra-841301, PO/PS-Chapra, District-Chapra Town-Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Public Health and Engineering Department, Bihar, Patna.
3. The Chief Engineer Mechanical, Public Health and Engineering Department, Bihar, Patna.
4. The Superintendent Engineer, Public Health and Engineering Circle, Chapra.
5. The Executive Engineer, Public Health Division, Chapra.
6. The Project Director Vishwesharaiya Bhawan, Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Shankar Ganguli, Advocate
For the Opposite Party/s : Mr. Vishwambhar Prasad, AC to AAG-5

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
and
HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE ARUN KUMAR JHA)

3 05-12-2025 The petitioners have filed the present review petition seeking review of the order dated 10.05.2023 passed in Civil Writ Jurisdiction Case No. 16691 of 2015. But, neither from the review petition nor from the submission made on behalf of the petitioners, we find any ground to review the earlier order dated 10.05.2023 and this fact would become apparent if the



submissions made at paragraph nos. 4, 5 and 6 of the petition are extracted, which read as under:

*“4. That to the misfortune of the petitioners the matter was either wrongly petitioners counsel was misconstrued. The order would stand highly obligatory to the petitioners if the order stands with one changes and reads as **"the concerned authority is hereby directed to refund/pay the amount of deposit made against registration to the petitioners' within two months from the date of the receipt of this order"**.*

5. That wrongly or rightly the petitioners counsel (sic.) heard the order in the aforesaid matter. The petitioners therefore submit to change the order with appropriate words and oblige. The petitioners further submit that except the aforesaid changes the rest of the order/direction may remain same since the same explains the entire matter.

6. That if the order/direction remains same, the petitioners instead order/direction of receiving a direct to delegating was subjected power to the concerned respondent to dispose of a representation, in fact the petitioners seek a direction directly to to the respondents pay/refund the amount SO that the office assistant handling such refund won't have any discretionary attitude to such refund and the unemployed petitioners are saved from any further unnecessary harassment. For this season, this review is filed, which constitutes the ground of this review petition.

It is therefore the petitioners humbly submit to kindly allow this petition in terms of the aforesaid prayer and to direct the respondent to refund the amount for Rs. One lack (sic.) with interest to the petitioners.

And for the same the petitioners shall



ever pray.”

02. Apparently, what the petitioners are seeking in this review petition is a fresh order. The law on the point of review has been settled. In the case of ***Sanjay Kumar Agarwal v. State Tax Officer***, reported in ***2023 SCC OnLine SC 1406***, the Hon'ble Supreme Court elaborately considered under what circumstances civil review could be entertain. In this regard eight principles have been laid down by the Hon'ble Supreme Court which are as under:-

“(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.”

03. Thus, the review petition could be allowed within the ambit of aforementioned principles. Hence, in the facts and circumstances, the present review petition is devoid of any merit and the same is dismissed.

(Arun Kumar Jha, J)

(Ramesh Chand Malviya, J)

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