



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

MISCELLANEOUS CIVIL APPLICATION NO.1210/2019 IN W.P.NO.4751/2019 (D)

(HARSHAL RAMDAS MAHURE **VERSUS** SCHEDULED TRIBE CASTE CERTIFICATE
SCRUTINY COMMITTEE, NAGPUR & ANOTHER)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Ms Surabhi Godbole, Advocate with Shri Ananta Ramteke, counsel for the applicant.

Shri A.J. Gohokar, Assistant Government Pleader for the respondent no.1.

CORAM : NITIN W. SAMBRE AND VRUSHALI V. JOSHI, JJ.

DATE : FEBRUARY 12, 2025

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The applicant-original petitioner has sought the review of the judgment pronounced on August 06, 2019 whereby this Court has dismissed the writ petition thereby confirming the order passed by the non-applicant no.1-Scrutiny Committee invalidating the tribe claim of the applicant.

2. The review is sought on the ground that the documents which are annexed with the present application from Serial Number 1 to 12 were not appropriately considered and appreciated.

3. Ms Surabhi Godbole, counsel appearing for the applicant has urged that had the aforesaid documents been appropriately appreciated, this Court would have taken a different view in the matter. It is urged that the aforesaid documents were not available with the applicant and therefore the same could not be placed on record. As such, it is claimed that it is necessary to review the judgment passed on August 06, 2019.

4. Shri A.J. Gohokar, Assistant Government Pleader appearing for the non-applicant no.1-Scrutiny Committee, in the light of the law laid down by the Apex Court in *Kamlesh Verma Versus Mayawati & Others* [(2013) 8 SCC 320], has claimed that the review jurisdiction cannot be invoked for appreciating the documents which were not part of the record when the impugned order was passed.

5. We have considered the rival claims.

6. The fact remains that the applicant is seeking the review of the judgment pronounced on August 06, 2019 based on certain set of evidence. The applicant has nowhere demonstrated that inspite of due diligence the said set of evidence could not be placed on record at the time of agitating the claim in the writ petition while questioning the legality of the order passed by the non-applicant no.1-Scrutiny Committee. Rather, there are no pleadings to that effect in the review application. Even otherwise, the applicant is seeking reappreciation of the evidence which in any case is not permissible in the review jurisdiction. We are required to be sensitive to the observations of the Apex Court in paragraph 20 of the judgment in *Kamlesh Verma* (supra) which deal with the situations in which the review jurisdiction could be exercised and where it could not be exercised. The said paragraph 20 reads as under:-

“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 and approved by this Court in Moran Mar Basselios Catholicos v. Most Rev. Mar Poulouse Athanasius 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.

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.”*

7. For the aforesaid reasons, since no error apparent on the face of record is noticed and the applicant is seeking appreciation of the evidence which was not diligently collected for producing the same on record of the non-applicant no.1-Scrutiny Committee or before this Court while agitating the claim in the writ petition, the miscellaneous civil application stands rejected. No costs.

(VRUSHALI V. JOSHI, J.)

(NITIN W. SAMBRE, J.)

Tambaskar/Apte.