

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.252 of 2024

In
Civil Writ Jurisdiction Case No.2147 of 2020

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Sanjay Kumar son of Late Kishori Choudhary, Resident of village- Paithana,
P.O.- Bhagan Bigha, P.S. Bena, District- Nalanda, Bihar Sharif.

... .. Petitioner/s

Versus

1. The Employees State Insurance Corporation through the Director General, Employees State Insurance Corporation, Panchdeep Bhawan, CIG Road, New Delhi- 110002.
2. The Joint Director (Recruitment), Employees State Insurance Corporation, Panchdeep Bhawan, CIG Road, New Delhi- 110002.
3. The Additional Commissioner and the Regional Director, Employees State Insurance Corporation, Regional Chief, Panchdeep Bhawan, Ashram Road, Ahmedabad.
4. The Regional Director, Employees State Insurance Corporation, Regional Officer, Panchadeep Bhawan, Ashram Road, Ahmadabad (Gujarat)- 380014.
5. The Deputy Director, Employees State Insurance Corporation, Regional Officer, Panchadeep Bhawan, Ashram Road, Ahmadabad (Gujarat)- 380014.
6. The Joint Director I/C, Employees State Insurance Corporation, Sub-Regional Office, ESI Hospital Campus, Civil Char Rasta, Surat, Gujarat.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr.Sanjay Kumar, Advocate
For the Opposite Party/s :	Mr. Anand Kumar Ojha, Sr. Advocate
	Mr.Sudhir Kumar Bijpuria, Advocate

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
and
HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE SUDHIR SINGH)

2 09-02-2026 Heard learned counsel for the parties.

2. The present review application has been filed seeking review of the order dated 03.02.2020 passed by a Division Bench of this Court in CWJC No. 2147 of 2020.

3. The scope of review has been explained by the



Hon'ble Supreme Court in the case of ***Sasi (Dead) vs. Aravindakshan Nair*** reported in ***(2017) 4 SCC 692*** wherein the Court has observed as under:-

“6. The grounds enumerated therein are specific. The principles for interference in exercise of review jurisdiction are well settled. The Court passing the order is entitled to review the order, if any of the grounds specified in the aforesaid provision are satisfied.

7. In Thungabhadra Industries Ltd. v. State. of A.P. (AIR 1964 SC 1372), the Court while dealing with the scope of review had opined:-

“11. What, however, we are now concerned with is whether the statement in the order of September 1959 that the case did not involve any substantial question of law is an “error apparent on the face of the record”. The fact that on the earlier occasion the Court held on an identical state of facts that a substantial question of law arose would not per se be conclusive, for the earlier order itself might be erroneous. Similarly, even if the statement was wrong, it would not follow that it was an “error apparent on the face of the record”, for there is a distinction which is real, though it might not always be capable of exposition, between a mere erroneous decision and a decision which could be characterized as vitiated by “error apparent”. A review is by no means an appeal in disguise whereby an erroneous decision is reheard and corrected, but lies only for patent error.”

8. In Parsion Devi v. Sumitri Devi (1997) 8 SCC 715, the Court after referring to Thungabhadra Industries Ltd. (supra), Meera Bhanja v. Nirmala Kumari Choudhury (1995) 1 SCC 170 and Aribam Tuleshwar Sharma v. Aribam Pishak Sharma (1979) 4 SCC 389 , held thus:-

“9. Under Order 47 Rule 1 CPC a judgment may be open to review inter alia if there is a mistake or an error apparent on the face of the record. 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 the record justifying the court to exercise its



power of review under Order 47 Rule 1 CPC. In exercise of the jurisdiction under Order 47 Rule 1 CPC it is not permissible for an erroneous decision to be “reheard and corrected”. A review petition, it must be remembered has a limited purpose and cannot be allowed to be “an appeal in disguise”.

9. The aforesaid authorities clearly spell out the nature, scope and ambit of power to be exercised. The error has to be self- evident and is not to be found out by a process of reasoning. We have adverted to the aforesaid aspects only to highlight the nature of review proceedings.”

4. In view of the aforesaid legal position, a review can be entertained only when there is an error apparent on the face of the record and not for re-hearing the matter as an appeal.

5. Applying the aforesaid principles to the facts of the present case, this Court finds that there is no error apparent on the face of the record warranting review or recall of the order dated 03.02.2020.

6. Accordingly, the present review application is dismissed.

7. Pending application(s), if any, shall also stand disposed of.

(Sudhir Singh, J)

(Rajesh Kumar Verma, J)

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