

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.259 of 2025

In
Civil Writ Jurisdiction Case No.1380 of 2020

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1. Dakshin Bihar Gramin Bank (Now Bihar Gramin Bank) having its head office at Sri Vishnu Commercial Complex NH30 New by pass near B.P. Highway service Petrol Pump Asochak. Patna 800030. Through its chairman.
 2. Chairman Dakshin Bihar Gramin Bank, having its head office at Sri Vishnu Commercial Complex NH30 New by pass near B.P. Highway Service Petrol Pump Asochak, Patna 800030.
 3. General Manager (D.A.C.) Head Office Dakshin Bihar Gramin Bank, at Sri Vishnu Commercial Complex NH30 New by Pass near B.P. Highway service Petrol Pump Asochak, Patna 800030.

... .. Petitioner/s

Versus

Ravi Ranjan, Son of Sri Maheswari Garaine, Resident of Mohall Alkapuri Colony, Bhagwanpur Chowk, P.S.- Bhagwanpur. Distri Muzaffarpur PIN- 842001.

... .. Opposite Party/s

with

Miscellaneous Jurisdiction Case No. 2934 of 2025

In

Civil Writ Jurisdiction Case No.1380 of 2020

Ravi Ranjan Son of Sri Maheswari Garaine, Resident of Mohalla- Alkapuri Colony, Bhagwanpur Chowk, P.O. and P.S- Bhagwanpur, District- Muzaffarpur, Bihar- 842001.

... .. Petitioner/s

Versus

1. Dakshin Bihar Gramin Bank through its Chairman namely Shri Mukul Sahay having its head office at NH 30, Shri Vishnu Commercial Complex, New Bypass Road, Near BP Highway Services Petrol Pump, Patna, 800016.
2. Sri Mukul Sahay, Chairman, Dakshin Bihar Gramin Bank, having its head office at NH 30, Shri Vishnu Commercial Complex, New Bypass Road, Near BP Highway Services Petrol Pump, Patna, 800016.
3. Sri Sanjoy Sinha, General Manager (D.A.C.), Head Office, Dakshin Bihar Gramin Bank at NH 30, Shri Vishnu Commercial Complex, New Bypass Road, Near BP Highway Services Petrol Pump, Patna, 800016.

... .. Opposite Party/s

Appearance :

(In CIVIL REVIEW No. 259 of 2025)

For the Petitioner/s : Mr.Ranjeet Kumar Pandey, Advocate



For the Opposite Party/s : Mr.Kumar Kaushik, Advocate
Mrs. Namrata Dubey, Advocate
Mr. Hemant Raj, Advocate
(In Miscellaneous Jurisdiction Case No. 2934 of 2025)
For the Petitioner/s : Mr.Kumar Kaushik, Advocate
Mrs. Namrata Dubey, Advocate
Mr. Hemant Raj, Advocate
For the Opposite Party/s : Mr.Ranjeet Kumar Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 06-04-2026

Re. Civil Review No. 259 of 2025.

Heard Mr. Ranjeet Kumar Pandey, learned counsel appearing for the petitioner - Dakshin Bihar Gramin Bank (hereinafter referred to as 'the Bank') and Mr. Kumar Kaushik, learned counsel appearing for the opposite party- writ petitioner.

2. Learned counsel for the petitioner-Bank submits that the present Civil Review Application has been filed for review of the judgment dated 01.02.2024 passed in CWJC No. 1380 of 2020, whereby the Hon'ble Court allowed the writ petition and set aside the order of punishment dated 31.12.2018 passed by the Disciplinary Authority as well as the appellate order dated 20.09.2019 affirming the dismissal. The Hon'ble Court granted liberty to the Bank to proceed with the departmental enquiry only after supplying all relevant documents, as demanded by the writ petitioner in Annexure-5, and to conclude the proceeding within six months. Against the said judgement, the Bank preferred LPA No. 380 of 2024 which



was disposed of vide order dated 17.09.2025, granting liberty to the Bank to file a Civil Review and observing that if certain materials already existed on record but were not brought on record at the time of adjudication of the writ petition, the appropriate remedy would be to seek review, and accordingly disposed of the appeal as not maintainable.

3. Learned counsel further submits that the finding of the Hon'ble Court in the writ judgment, to the effect that only one document was supplied to the writ petitioner, is factually incorrect and constitutes an error apparent on the face of the record. From a bare perusal of Annexure-6 to the writ petition (page 99), i.e., letter dated 18.07.2018, it is evident that the writ petitioner himself acknowledged that out of 15 documents demanded vide letter dated 01.06.2018, documents relating to Serial Nos. 1, 2, 13 and 14 had already been supplied. Thus, the submission that only one document was provided is erroneous.

4. It is further submitted that during the departmental enquiry, 20 documents were exhibited on behalf of the Bank and 12 witnesses were examined in support of the charges. Total, 76 documents were marked as exhibits, and the writ petitioner was given full opportunity to inspect and peruse the records. The enquiry proceedings, annexed with the supplementary affidavit,



clearly indicate that the writ petitioner perused more than 100 documents during the course of the enquiry. Learned counsel further submits that the documents relevant to the charges, including those sought vide letter dated 01.06.2018 (Annexure-5), were duly supplied, as is evident from the enquiry report, the submissions of the Presenting Officer, and the findings of the Enquiry Officer. However, despite due diligence, the complete enquiry records could not be brought on record during the writ proceedings, which led to an erroneous conclusion regarding violation of principles of natural justice. It is further submitted that from the enquiry proceeding dated 11.07.2018 (Annexure-4, to the supplementary affidavit), it is evident that the Presenting Officer addressed all 15 documents demanded by the writ petitioner and clarified that most of the documents were not relevant to the charges and had been sought only to delay or divert the proceedings. This position was affirmed by the Enquiry Officer in the proceeding dated 23.07.2018 (page 92), wherein it was specifically held that the charges were precise and only relevant documents could be demanded, and that most of the documents sought were neither specific nor relevant.

5. It is also submitted that, as reflected from the enquiry proceedings dated 30.06.2018 and 02.07.2018



(Annexure-3 series to the supplementary affidavit), the writ petitioner was granted opportunity to inspect account-wise records relating to Biharsharif and Lodipur Branches in the presence of the Enquiry Officer. Further, upon additional demand made vide letter dated 18.07.2018, the Enquiry Officer directed that all relevant documents be supplied to the writ petitioner.

6. In view of the above, learned counsel submits that the enquiry proceedings clearly demonstrate that all relevant documents were duly supplied and adequate opportunity was provided to the writ petitioner. Therefore, there has been no violation of the principles of natural justice, and the contrary finding recorded in the writ judgment is liable to be reviewed.

7. Learned counsel for the petitioner further submits that under Order XLVII Rule 1 of the Code of Civil Procedure, a judgment may be reviewed on three grounds, namely: (i) discovery of new and important matter or evidence which, despite exercise of due diligence, was not within the knowledge of the applicant or could not be produced at the time the decree was passed; (ii) error apparent on the face of the record; and (iii) any other sufficient reason. All the aforesaid grounds are attracted in the present case. Accordingly, in the interest of



justice, the judgment dated 01.02.2024 passed by this Hon'ble Court is fit to be reviewed.

8. In support of his argument, learned counsel for the petitioner relied upon a judgement rendered in the case of **Anuj Kumar Singh Yadav Vs. The State of Bihar and other** reported in **2024 (2) PLJR 30**, wherein at paragraph 9 it has been held that *"As regard the issue about documents having not been supplied to the petitioner and the petitioner having not been granted opportunity to examine witnesses, this Court finds that the petitioner has failed to produce any proof to the effect that he had made any application with regard to the same separately, nonetheless, another aspect of the matter is that the petitioner has also failed to so as to what prejudice has been caused to him in case any document had not been made available to him, hence the petitioner cannot derive any benefit on this score. This Court also finds that the findings arrived at by the conducting/Enquiry Officer in his enquiry report dated 14.10.2014 are not patently perverse or grossly incompatible with the fact and circumstances of the case and hence no interference is warranted. In this connection, it would be relevant to refer a judgment rendered by the Hon'ble Apex Court in the case Union of India and other Vs. Subrata Nath,*



reported in 2020 SCC online SC 1617."

9. Learned counsel further relied upon a judgement of Hon'ble Supreme Court in the case of ***Civil Appeal No.1457 of 2022 Regional Manager UCO Bank and another Vs. Krishna Kumar Bhardwaj***, in paragraph no.24 of the said judgement it has been held "*So far as the submission regarding non supply of document is concerned, Inquiry Officer has observed that the record which was demanded by the Respondent delinquent was made available to him except the on which was confidential in nature still he was permitted for inspection. At the same time, the respondent failed to so as the what prejudice has been caused to him in reference to the alleged non-supply of the documents demanded by him.*"

10. Learned counsel further relied upon a judgement of the Hon'ble Supreme Court in ***Civil Appeal No.10858 of 2024, S Janaki Iyer Vs. Union of India and others*** whose paragraph no.22, 23 and 24 are most relevant in this case.

11. Learned counsel for the petitioner -Bank conclusive submits that in light of the submissions made above and in view of the judgements relied above, the present Civil Review application is fit to be allowed.

12. On the contrary, learned counsel appearing on



behalf of the Opposite Party submits that the present review application is not maintainable in view of the liberty granted by the Hon'ble Division Bench in LPA No. 380 of 2024. It is contended that, in light of Order XLVII Rule 1 of the Code of Civil Procedure, a review is maintainable only where no appeal has been preferred against the judgment or order sought to be reviewed. In the present case, the petitioner–Dakshini Bihar Gramin Bank has already availed the remedy of appeal by filing the aforesaid LPA and, therefore, no statutory right survives to seek review of the same judgment.

13. Learned counsel further submits that although the Hon'ble Division Bench has granted liberty to the petitioner–Bank to file a review application, such liberty cannot enlarge or override the statutory limitations prescribed under the Code of Civil Procedure. It is argued that the scope of review available to the petitioner is, therefore, confined strictly to the extent indicated by the Hon'ble Division Bench and is narrower than the scope that might have been available had no appeal been preferred.

14. In support of his argument, learned counsel relied on the judgement rendered in the case of Malleeswari vs. K. Suguna and Anr. reported in 2025 SCC online SC 1927



paragraph 15, 16 and 17 whereof is relevant in this case.

15. In this background, it is submitted that the present review application deserves to be dismissed as not maintainable.

16. Upon hearing learned counsel for the parties and upon perusal of the judgments relied upon by them, this Court arrives at the conclusion that the petitioner had initially preferred an LPA before the Division Bench of this Hon'ble Court and, after disposal of the said LPA, has filed the present Civil Review petition in light of the observations made therein.

17. The scope of review under Order XLVII Rule 1 read with Section 114 of the CPC is well settled. A review petition is maintainable where a person, considering himself aggrieved by a decree or order from which an appeal is allowed but has not been preferred, seeks review on account of discovery of new and important matter or evidence which, despite due diligence, was not within his knowledge or could not be produced at the time of passing of the decree or order, or on account of some mistake or error apparent on the face of the record, or for any other sufficient reason.

18. In the present case, it is an admitted position that the petitioner-Bank did not initially file a Civil Review petition, but instead challenged the order by way of LPA and only



thereafter invoked the remedy of review. Ordinarily, in view of the statutory scheme, such a review would not be maintainable. However, since the Hon'ble Division Bench, while disposing of the LPA, granted liberty to the petitioner-Bank to avail the remedy of Civil Review, the present petition is held to be maintainable.

19. On merits, it appears that in the writ proceedings, the writ petitioner had taken a specific stand that certain documents were demanded from the Enquiry Officer vide letters dated 01.06.2018 (Annexure-5) and 18.07.2018. In response, the Bank, in its counter affidavit, denied that any specific documents were demanded. However, in the present review petition, particularly in paragraph 4 of the supplementary affidavit, the stand of the Bank has materially changed, stating that the documents so demanded were not relevant to the charges and were sought only with an intention to divert the issue.

20. It further appears to this Court that before the Hon'ble Division Bench in the LPA, it was submitted by the Bank that the said documents formed part of the enquiry proceedings and were already available on record, though inadvertently not placed before the Court while deciding the



writ petition. However, in the present review proceedings, the stand is that the documents were not relevant to the charges and that only relevant documents had been supplied.

21. It has been mentioned that that the finding to the effect that only one document was supplied by the petitioner is factually incorrect and constitutes an error apparent on the face of the record. However, from the writ petition it transpires that the petitioner had sought 15 documents, out of which documents at Sl. Nos. 1 to 13 and 14 were admittedly supplied. It has further been submitted on behalf of the petitioner that the remaining documents were not relevant, and therefore only the relevant documents were furnished.

In the aforesaid background, this Court is of the considered view that the question as to which documents are relevant or irrelevant cannot be unilaterally determined by one party. It is evident from the records of the writ petition as well as the review application that all the documents produced in the enquiry were not supplied to the writ petitioner. Therefore, even if the earlier finding that only one document was supplied is factually incorrect, the same does not help the petitioner, inasmuch as it is an admitted position that all the demanded documents were not furnished.



22. Accordingly, the finding that “only one document was supplied to the writ petitioner” is hereby modified to read as “all the documents were not supplied to the writ petitioner.

23. In light of these contradictory stands, this Court is of the considered view that the material which ought to have been brought on record by the petitioner–Bank was not properly placed either by way of pleadings or documents, which ultimately led to the allowing of the writ petition with a direction to supply the documents and conclude the proceedings within six months. At this stage, it is also observed that when a delinquent employee asserts that certain documents are necessary for his defence, and the employer disputes their relevance, this Court, in exercise of its review jurisdiction, would refrain from adjudicating such disputed questions of fact.

24. The judgments relied upon by the petitioner, namely *Regional Manager, UCO Bank & Another vs. Krishna Kumar Bhardwaj* (Civil Appeal No. 1457 of 2022 arising out of SLP (C) No. 13953 of 2021) and *S. Janaki Iyer vs. Union of India & Others* (Civil Appeal No. 10858 of 2024 arising out of SLP (C) No. 29718 of 2018), do not advance the case of the petitioner, particularly in the context of the limited scope of review jurisdiction.



25. On the other hand, the judgment relied upon by the learned counsel for the opposite party in *Malleeswari vs. K. Suguna & Another*, reported in 2025 SCC OnLine SC 1927, aptly lays down the scope of Civil Review. Paragraphs 15, 16 and 17 of the said judgment read as follows:

“15. It is axiomatic that the right of appeal cannot be assumed unless expressly conferred by the statute or the rules having the force of a statute. The review jurisdiction cannot be assumed unless it is conferred by law on the authority or the Court. Section 114 and Order 47, Rule 1 of CPC deal with the power of review of the courts. The power of review is different from appellate power and is subject to the following limitations to maintain the finality of judicial decisions:

15.1 The review proceedings are not by way of an appeal and have to be strictly confined to the scope and ambit of Order 47 Rule 1 of CPC.

15.2 Review is not to be confused with appellate powers, which may enable an appellate court to correct all manner of errors



committed by the subordinate court.

15.3 In exercise of the jurisdiction under Order 47 Rule 1 of 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.

15.4 The power of review can be exercised for the correction of a mistake, but not to substitute a view. Such powers can be exercised within the limits specified in the statute governing the exercise of power.

15.5 The review court does not sit in appeal over its own order. A rehearing of the matter is impermissible. It constitutes an exception to the general rule that once a judgment is signed or pronounced, it should not be altered. Hence, it is invoked only to prevent a miscarriage of justice or to correct grave and palpable errors.

16. To wit, through a review application, an apparent error of fact or law is intimated to the court, but no extra reasoning is undertaken to



explain the said error. The intimation of error at the first blush enables the court to correct apparent errors instead of the higher court correcting such errors. At both the above stages, detailed reasoning is not warranted.

17. Having noticed the distinction between the power of review and appellate power, we restate the power and scope of review jurisdiction. Review grounds are summed up as follows:

17.1 The ground of discovery of new and important matter or evidence is a ground available if it is demonstrated that, despite the exercise of due diligence, this evidence was not within their knowledge or could not be produced by the party at the time, the original decree or order was passed.

17.2 Mistake or error apparent on the face of the record may be invoked if there is something more than a mere error, and it must be the one which is manifest on the face of the record. Such an error is a patent error and not a mere wrong decision. An error which has to be established by a long-



drawn process of reasoning on points where there may conceivably be two opinions can hardly be said to be an error apparent on the face of the record.

17.3 Lastly, the phrase 'for any other sufficient reason' means a reason that is sufficient on grounds at least analogous to those specified in the other two categories."

26. On the basis of the said judgment, this Court reached on the conclusion that scope of review is very limited and review is not an appeal. The question of discovery of new and important matter has not arisen; rather the Bank himself states that all documents not provided rather relevant documents as pointed in the relevant letters have been provided and irrelevant documents have not been provided. This plea shall not help the petitioner-Bank at this juncture due to the reason mentioned above that bank cannot decide which document is relevant and not relevant.

27. Hence, the review petition stands dismissed reiterating the direction to the petitioner-Bank to provide the documents to the respondent as demanded and, then, to continue the proceeding and conclude the same within six months.



However, it is clarified that the period of six months for completion of the proceedings shall be reckoned from the date of disposal of the present review petition.

Ref: M.J.C. No.2934 of 2025

Heard learned counsel for the petitioner and learned counsel for the opposite parties.

2. Learned counsel for the petitioner submits that the present application has been filed for initiating a contempt proceeding against the Opposite Parties for non-compliance/violation of the judgement and order dated 01.02.2024 passed by this Hon’ble Court in CWJC No. 1380 of 2020.

3. Since the Civil Review petition has been dismissed, the present M.J.C. is directed to be de-tagged and shall be heard separately.

4. Let it be listed under the heading “For Admission” on 19.06.2026.

(Dr. Anshuman, J)

Ashwini/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	06/04/2026
Transmission Date	NA

