S/L 12
30.01.2026
Court No.04
B.K.N

R.V.W. 111 of 2025
With
CAN 1 of 2025
CAN 2 of 2025

In

W.P.S.T. 167 of 2023

Sudipta Sannigrahi
Vs.
The State of West Bengal & Ors.

Mr. Sabyasachi Chatterjee,
Mr. Kiron Sk.
... for the Petitioner.

Mr. Tapan Kumar Mukherjee, Ld. AGP,
Mr. Somnath Naskar,
Mr. Aloke Banerjee
... for the State Respondents.

In Re: CAN 2 of 2025

1. This is an application under Section 5 of the Limitation Act for condonation of delay of 103 days in filing the review application.
2. On perusal of the application and after hearing the learned advocates for the contending parties this Court is of the considered view that the petitioner is successful in explaining the delay in filing the review application.
3. Accordingly, the prayer is allowed.
4. Delay in filing the instant appeal is hereby condoned.
5. CAN 2 of 2025 is disposed of accordingly.

In Re: R.V.W. 111 of 2025

1. Heard the learned advocate appearing in support of the review application.

2. The writ petition was dismissed considering the fact that the petitioner had two dates of birth, one based on a birth certificate, and the other based on the documents at the time of his appearance in the 10th examination.
3. It was submitted on behalf of the writ petitioner in the writ proceedings that since both the documents are issued by competent authorities it was open to the petitioner to rely on either of the two dates of birth.
4. Considering it a case of *Suppressio veri* and *suggestio falsi* while submitting his verification roll and rejecting the stand of the writ petitioner that it is not within the discretion of the writ petition to rely on one out of the two dates of birth entered by the writ petitioner at two different stages, the writ petition was dismissed.
5. The review has been filed wherein it is now canvassed that the date of birth entered in the PVR was erroneous and, therefore, seeking benefit of law, as per decision of the Apex Court in the case of ***Vashist Narayan Kumar –Vs.- State of Bihar & Ors.*** reported in ***(2024) 11 SCC 785***. The review petitioner has, therefore, made an endeavour to reargue the case in a different way.
6. We have not been shown any error apparent on the face of the record, nor is it anybody's case that any vital material or evidence, which despite due diligence could not be brought before the notice of the Writ Court.
7. The scope of review, by now is settled, is not to be confused as an appellate power. There is no scope to reargue the matter as an appeal, in the garb of a review petition, as is

evident from the decision of the Apex Court in the case of ***Sanjay Kumar Agarwal –Vs.- State Tax Officer (1) and Another.*** reported in ***(2024) 2 SCC 362***.

8. We, therefore, find that the arguments sought to be advanced in review are not within the jurisdiction and scope of review.
9. The review application is dismissed.
10. Application being CAN 1 of 2025 is also dismissed.

(Madhuresh Prasad, J.)

(Supratim Bhattacharya, J.)