

Ct. No.4 D/L 30.04.2026
(Naba) 07

**R.V.W. 103 of 2026
With
CAN 1 of 2026**

**Partha Chandra
Vs.
The State of West Bengal & Ors.**

In

W.P.S.T. 11 of 2023

**Partha Chandra
Vs.
The State of West Bengal & Ors.**

Ms. Nibedita Pal.
Ms. Sonam Ray,
Ms. Nasrin Khatoon

...for the Petitioner

Mr. Tapan Kumar Mukherjee, Id. A.G.P.,
Mr. Dipankar Dasgupta

...for the State Respondents

1. The review has been filed raising a ground that instead of the benefits being granted with effect from the date of filing of the Original Application, the Court should have directed the relief to be granted with effect from the date (03.05.2016), when the petitioner was certified as being a casual employee since, 1988.
2. In sum and substance, the writ petitioner now wants to reargue the case so as to avail the benefit from a date anterior to what we have granted in the order passed in the writ petition.
3. The scope of review by now is well settled. We consider it apposite to refer to a decision of the Hon'ble Supreme Court of India in the case of

Sanjay Kumar Agarwal Vs. State Tax Officer

(1) & Anr. reported in ***(2024) 2 SCC 362***. The

Apex Court has settled the law that a review cannot be confused as an appeal and the review Court cannot sit in appeal over its judgement. The gist of the earlier decisions of the Apex Court was stated:

“16. The gist of the aforestated decisions is that:

16.1. A judgment is open to review inter alia if there is a mistake or an error apparent on the face of the record.

16.2. 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.

16.3. 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.

16.4. In exercise of the jurisdiction under Order 47 Rule 1CPC, it is not permissible for an erroneous decision to be “reheard and corrected”.

16.5. A review petition has a limited purpose and cannot be allowed to be “an appeal in disguise”.

16.6. Under the guise of review, the petitioner cannot be permitted to reagitate and reargue the questions which have already been addressed and decided.

16.7. 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.

16.8. Even the change in law or subsequent decision/judgment of a coordinate or larger Bench by itself cannot be regarded as a ground for review.”

4. We must take note of the settled scope of review.

The present case neither involves an error

apparent on the face of the record; nor is it a case where the petitioner discovered new and important material/evidence, which after due diligence was not within his knowledge and could not be produced by him when this court disposed of the writ petition. No other sufficient reason is made out for review. The claim is also not for any other such reasons.

5. The application therefore, does not fall within the scope of review.
6. In the circumstances, we are not inclined to allow the application for review.
7. The Review Application is dismissed.
8. The connected application also stands disposed of.

(Madhuresh Prasad, J.)

(Prasenjit Biswas, J.)