CGHC010356732026 2026:CGHC:46152

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

REVP No. 362 of 2026

1 - Sourabh Kumar Nirwan S/o Late Shri Lochan Kumar Nirman Aged About 34 Years R/o Near Ojaswi Nursing Home, Rudri Road, Gokulpur, Dhamtari, District Dhamtari (C.G.) **... Applicant**

VISHAKHA BEOHAR Digitally signed by VISHAKHA BEOHAR

versus

1 - State Of Chhattisgarh Through The Secretary, Department Of Panchayat And Rural Development, Mahanadi Bhawan, Mantralaya, Nava Raipur, P.S. Rakhi, District Raipur (C.G.)

2 - Development Commissioner Chhattisgarh, Indrawati Bhawan, Nava Raipur, District Raipur (C.G.)

3 - Chief Engineer Rural Engineering Service, Development Commissioner Office, Indrawati Bhawan, Nava Raipur, District Raipur (C.G.)

4 - Superintending Engineer Rural Engineering Service, Raipur Circle, District Raipur (C.G.)

5 - Executive Engineer Rural Engineering Service, Gariyaband Division, District- Gariyaband (C.G.)

6 - Chief Executive Officer Janpad Panchayat Fingeshwar, District- Gariyaband (C.G.)

... Respondents

(Cause-title taken from the Case Information System)

For Applicant :- Mr. Anurag Verma, Advocate

For State :- Mr. Sangharsh Pandey, G.A.

SB- Hon'ble Shri Justice Amitendra Kishore Prasad

Order On Board

02.11.2026

1. By way of the present Review Petition, the petitioner seeks review and recall of the order dated 05.02.2026 passed in WPS No. 8934 of 2023, whereby the writ petition was dismissed on merits in the absence of learned counsel for the petitioner, relying upon the Full Bench decision in W.A. No. 236 of 2022, *State of Chhattisgarh v. Umesh Thakur*.

2. The facts of the case, in brief, are that the petitioner's father, Late Shri Lochan Kumar Nirwan, died in harness on 09.04.2017 while serving in the Rural Engineering Service. The petitioner's claim for compassionate appointment was rejected on the ground that his elder brother was employed as Shiksha Karmi Grade-III and his sister was employed in the State Bank of India. Thereafter, WPS No. 3352 of 2018 was withdrawn with liberty to file afresh, and the subsequent WPS No. 8934 of 2023 was dismissed on merits by order dated 05.02.2026 in the absence of the petitioner's counsel. Hence, the present Review Petition seeking recall of the said order and restoration of the writ petition.

3. Learned counsel for the petitioner submits that the order under review suffers from an error apparent on the face of the record, as the writ petition was dismissed on merits in the absence of petitioner's counsel. It is contended that the petitioner's brother, employed as a Shiksha Karmi, is not a Government servant in

terms of the Government circular dated 08.01.2015, whereas his sister is employed in the State Bank of India. Both siblings are married and maintaining separate households. Relying upon the applicable Government circulars and the decisions in various decisions of Hon’ble Supreme Court, learned counsel prays for recall of the order dated 05.02.2026 and restoration of the writ petition.

4. Per contra, learned State counsel opposes the Review Petition and submits that the petitioner has failed to demonstrate any error apparent on the face of the record warranting review of the order under challenge. It is contended that the grounds raised in the Review Petition seek reconsideration of the findings already recorded by this Court and an adjudication of the petitioner's claim on merits, which cannot be undertaken in exercise of the limited review jurisdiction. Learned State counsel, therefore, prays for dismissal of the Review Petition.

5. Having heard learned counsel for the parties and having carefully considered the grounds raised in the Review Petition, this Court finds that the petitioner essentially seeks reconsideration of the conclusions recorded in the order dated 05.02.2026. The principal grounds urged by the petitioner relate to the interpretation and applicability of the compassionate appointment policy, the employment status of his siblings, and the effect of the Government circular dated 08.01.2015. These grounds, in

substance, seek a fresh examination of the factual and legal issues involved in the original writ petition.

6. The scope of review jurisdiction is extremely limited. A review cannot be entertained merely because a party considers the order erroneous or believes that another view ought to have been taken. An error apparent on the face of the record must be self-evident and must not require elaborate reasoning, re-appreciation of facts or a fresh examination of the legal position. The power of review cannot be exercised as a substitute for an appeal or to provide a litigant with an opportunity to reargue the matter on merits.

7. The Hon'ble Supreme Court, in a catena of decisions, including **Devaraju Pillai v. Sellayya Pillai, (1987) 1 SCC 61; Meera Bhanja (Smt.) v. Nirmala Kumari Choudhury (Smt.), (1995) 1 SCC 170; Avijit Tea Co. Pvt. Ltd. v. Terai Tea Co. and Others, (1996) 10 SCC 174; Lily Thomas v. Union of India, (2000) 6 SCC 224; Akhilesh Yadav v. Vishwanath Chaturvedi and Others, (2013) 2 SCC 1; and Sasi (D) through LRs. v. Aravindakshan Nair and Others, (2017) 4 SCC 692**, has reiterated that review jurisdiction cannot be converted into appellate jurisdiction and that a rehearing of the matter on merits is impermissible in the absence of grounds recognised by law.

8. So far as the contention regarding the absence of learned counsel for the petitioner on the date of hearing is concerned, the same, by itself, does not establish an error apparent on the face of the

record. The order under review was passed on merits, and the petitioner cannot seek its recall merely to obtain another opportunity to advance submissions which, according to him, could not be presented earlier. The petitioner is required to establish a ground falling within the recognised parameters of review jurisdiction, and the mere inability of counsel to appear does not dispense with that requirement.

9. The contention that the employment of the petitioner's elder brother as Shiksha Karmi and that of his sister in the State Bank of India could not have been treated as a disqualification for compassionate appointment involves examination of the relevant policy provisions, the Government circulars and the factual circumstances of the petitioner's family. Similarly, the assertion that the petitioner's siblings are maintaining separate households and are not financially supporting him or his mother would require consideration of the relevant facts and their legal effect. These issues, in the form presented, do not demonstrate a patent or self-evident error in the order under review; rather, their consideration would require a fresh examination of the merits of the original dispute.

10. Tested on the aforesaid parameters, this Court finds that the petitioner has failed to demonstrate that any material provision of law or any fact, the omission of which constitutes an error apparent on the face of the record, was inadvertently overlooked while passing the order dated 05.02.2026. The grounds raised in

the Review Petition substantially seek reconsideration of the findings recorded in the original writ petition and invite this Court to adopt a different view on the applicability of the compassionate appointment policy. Such an exercise would amount to a rehearing of the matter on merits, which is beyond the permissible scope of review jurisdiction.

11. Consequently, this Court is of the considered view that the petitioner has failed to make out any ground warranting review or recall of the order dated 05.02.2026 passed in WPS No. 8934 of 2023. The Review Petition is, accordingly, **dismissed.**

12. No order as to costs.

sd/-
(Amitendra Kishore Prasad)
Judge

Vishakha