IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**REVIEW APPLICATION NO. 224 OF 2026 IN**
**WRIT PETITION NO. 321 OF 2023**

Ajaz Ahmed Khan S/o Abdulla Khan
Age : 62 years, Occu. : Nil – Retired as
Full Time Teacher (FTT),
HSC (Vocational), Maulana Azad
High School and Junior College,
Town Hall, Aurangabad
R/o Plot No. 66, New S.T. Colony,
Katkat Gate, Aurangabad .. Review Petitioner
(Orig. Petitioner)

Versus

1] Anjuman Ishaat – E-Talim Trust,
C/o Seema Nursing Home,
Roshan Gate, Aurangabad,
Through its Secretary
R/o C/o Seema Nursing Home,
Roshan Gate, Aurangabad

2] Dr. Gaffar Quadri S/o Abdul Razzak,
President, Anjuman Ishaat-E-Talim Trust,
C/o Seema Nursing Home,
Roshan Gate, Aurangabad

3] Maulana Azad High School and Junior College,
Town Hall, Aurangabad, through its
Principal Dr. Abdul Razaque Quadri

4] Dr. Smt. Hajra Bano Mohd. Taufique,
Head Mistress, Zia-Ul-Uloom Boys
Primary School, Town Hall, Aurangabad

5] The Joint Director of Vocational
Education & Training, Bhadkal Gate,
Aurangabad 431 001 .. Respondents
(Orig. Respondents)

...

Advocate for applicant : Mr. Ajay Deshpande h/f. Mr. C.V. Dharurkar
AGP for the respondent – State : Mr. N.S. Tekale

...

**CORAM : KISHORE C. SANT AND JITENDRA JAIN, JJ.**

**RESERVED ON : 30 OCTOBER 2026**
**PRONOUNCED ON : 03 NOVEMBER 2026**

**ORDER : (*Per Jitendra Jain, J.)***

This Review Petition is filed by the original petitioner seeking review of the judgment and order dated 09.09.2026 passed by this Court on the ground that there are errors apparent on the face of record. The original Writ Petition challenged the initiation and continuance of inquiry proceedings.

2. Before we advert to the facts of the present case, it is necessary to lay down the parameters for exercising the power of review. The parameters as culled out from various paragraphs of the decisions of the Hon'ble Supreme Court which are as under:-

> ***"1] Kamlesh Veerma Vs. Mayawati And Others[1]***
>
> ***20.1. When the review will be maintainable:***
>
> ***(i) Discovery of new and important matter or evidence which, after the exercise of due diligence, was not within knowledge of the petitioner or could not be produced by him;***
> ***(ii) Mistake or error apparent on the face of the record;***
>
> ***(iii) Any other sufficient reason.***
>
> ***The words "any other sufficient reason" have been interpreted in Chhajju Ram v. Neki [(1921-22) 49 IA 144 : (1922) 16 LW 37 : AIR 1922 PC***

1 (2013) 8 SCC 320

***112] and approved by this Court in Moran Mar Basselios Catholicos v. Most Rev. Mar Poulose Athanasius [AIR 1954 SC 526 : (1955) 1 SCR 520] to mean "a reason sufficient on grounds at least analogous to those specified in the rule". The same principles have been reiterated in Union of India v. Sandur Manganese & Iron Ores Ltd. [(2013) 8 SCC 337 : JT (2013) 8 SC 275]***

***20.2. When the review will not be maintainable:***

***(i) A repetition of old and overruled argument is not enough to reopen concluded adjudications.***

***(ii) Minor mistakes of inconsequential import.***

***(iii) Review proceedings cannot be equated with the original hearing of the case.***

***(iv) Review is not maintainable unless the material error, manifest on the face of the order, undermines its soundness or results in miscarriage of justice.***

***(v) A review is by no means an appeal in disguise whereby an erroneous decision is reheard and corrected but lies only for patent error.***

***(vi) The mere possibility of two views on the subject cannot be a ground for review.***

***(vii) The error apparent on the face of the record should not be an error which has to be fished out and searched.***

***(viii) The appreciation of evidence on record is fully within the domain of the appellate court, it cannot be permitted to be advanced in the review petition.***

***(ix) Review is not maintainable when the same relief sought at the time of arguing the main matter had been negatived.***

***2] Perry Kansagra Vs. Smriti Madan Kansagra[2]***

***15.1. In Inderchand Jain [Inderchand Jain v. Motilal, (2009) 14 SCC 663 : (2009) 5 SCC (Civ) 461] it was observed in paras 10, 11 and 33 as under: (SCC pp. 669 & 675)***

2 (2019) 20 SCC 753

***"10. It is beyond any doubt or dispute that the review court does not sit in appeal over its own order. A rehearing of the matter is impermissible in law. It constitutes an exception to the general rule that once a judgment is signed or pronounced, it should not be altered. It is also trite that exercise of inherent jurisdiction is not invoked for reviewing any order.***

***11. Review is not appeal in disguise. In Lily Thomas v. Union of India [Lily Thomas v. Union of India, (2000) 6 SCC 224 : 2000 SCC (Cri) 1056] this Court held: (SCC p. 251, para 56)***

> ***'56. It follows, therefore, that the power of review can be exercised for correction of a mistake but not to substitute a view. Such powers can be exercised within the limits of the statute dealing with the exercise of power. The review cannot be treated like an appeal in disguise.'***

***33. The High Court had rightly noticed the review jurisdiction of the court, which is as under:***

***'The law on the subject—exercise of power of review, as propounded by the Apex Court and various other High Courts may be summarised as hereunder:***

***(i) Review proceedings are not by way of appeal and have to be strictly confined to the scope and ambit of Order 47 Rule 1 CPC.***

***(ii) Power of review may be exercised when some mistake or error apparent on the fact of record is found. But error on the face of record must be such an error which must strike one on mere looking at the record and would not require any long-drawn process of reasoning on the points where there may conceivably be two opinions.***
***(iii) Power of review may not be exercised on the ground that the decision was erroneous on merits.***

***(iv) Power of review can also be exercised for any sufficient reason which is wide enough to include a misconception of fact or law by a court or even an advocate.***

***(v) An application for review may be necessitated by way of invoking the doctrine actus curiae neminem gravabit.'***
***In our opinion, the principles of law enumerated by it, in the facts of this case, have wrongly been applied."***

***3] Sanjay Kumar Agarwal Vs. State Tax Officer & Anr.[3]***

***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."***

3 (2024) 2 SCC 362

3. The first submission made by learned counsel for the petitioner is that since the respondent – management stated that they do not wish to lead any witnesses, the question of proceeding with the inquiry does not arise since documentary evidence without it being proved has no evidentiary value. It is his submission that this issue has not been considered by the Court and if considered, same is not in its right perspective.

4. With respect to above submission, the submission of the counsel for the petitioner has been recorded in paragraph no. 11 of the original order. In paragraph no. 14, the Court has recorded the submission of counsel for the management and recorded that the said submission of the petitioner is disputed by the management.

5. This Court, in paragraph no. 36, after considering the submissions made by the petitioner and the management, has recorded its finding, which reads as under :-

> "***36. The submission of the learned counsel for the petitioner on the ground of no evidence and on the ground of animosity cannot be examined in these proceedings, since it would involve the Court to enter into the arena of disputed questions of fact, which this Court cannot enter into in the present proceedings. We, however, clarify that the petitioner would be entitled to raise these issues if final inquiry report is against the petitioner and if he proposes to challenge."***

6. In our view, the submission of no evidence has been considered and decided by the Court. The submission that by its letter dated 07.01.2023, referred to in paragraph no. 11 of the original order, the management stated that they do not wish to examine any witness but requested the Inquiry Committee to rely only on documentary evidence has been considered in above paragraph. In our view, same would not constitute error apparent on the face of record. The issue of no evidence because of no examination by witness was disputed by the management and, therefore, this Court came to a conclusion that this being disputed question of fact, cannot be examined in the writ proceeding. However, liberty was granted to the petitioner to raise this issue if inquiry report is challenged.

7. In view of above, it cannot be said that there is an error apparent on the face of record. It is settled position that the findings given after considering the argument on an issue, cannot be permitted to be re-agitated in review proceedings.

8. The next submission made by the petitioner is that the delay in completing the inquiry was not attributable to the petitioner but to the management. He submitted that the chargesheet containing charges pertaining to the year 2013 onwards was

served to the petitioner on 26.09.2022 and the first meeting of the inquiry committee was held on 02.01.2023. He submitted that the petitioner was to retire on 31.01.2023. He submitted that before 31.01.2023, the management sought adjournment and got the inquiry committee proceeding postponed after 31.01.2023. The petitioner, therefore, submitted that the findings of this Court in paragraphs no. 28 to 33 suffer from error apparent on the face of record.

9. We have considered the above submissions. From paragraphs no. 28 to 33, this Court has examined this issue and recorded a finding that the petitioner after taking the benefit of interim order, cannot be heard to contend that since the inquiry proceedings were not completed before 31.01.2023, the proceedings are bad in law. In paragraph no. 32, this Court observed that the proceedings spilled over beyond 31.01.2023 were saved on account of interim order of this Court and, therefore, the submission cannot be accepted.

10. In our view, the submissions made today would amount to re-agitating and challenging the findings of this Court given in paragraphs no. 28 to 33. It is settled position that the matter cannot be re-argued in review proceeding after the issue has been adjudicated by the Court. If the petitioner is aggrieved by the findings given in paragraphs 28 to 33, then, the same cannot be adjudicated in the present review proceedings where the scope

is restricted for exercising the jurisdiction by this Court. In our view, none of the parameters required for exercising jurisdiction of review is satisfied in this case.

11. The petitioner has relied upon the decision in the case of ***Dev Prakash Tewari Vs. Uttar Pradesh Cooperative Institutional Service Board, Lucknow and others***[4] and ***Hemlata Eknath Pise Vs. Shubham Bahu-uddeshiya Sanstha Waddhamna and others***[5] in support of his plea for this Court to exercise review jurisdiction.

12. In our view, the reliance placed on paragraph no. 8 of the decision in the case of ***Dev Prakash*** (***supra***) is not applicable to the facts of the present case since in the present case, there was an interim order passed by this Court which has been relied upon in paragraphs no. 28 to 33. Therefore, the said decision cannot come to the rescue of the petitioner.

13. Insofar as the decision in the case of ***Hemlata Pise*** (***supra***) is concerned, same arose from the decision of the School Tribunal. In that case, the High Court did not look into any other point except the principle of natural justice and remanded the matter. In a challenge before the Hon'ble Supreme Court, It was observed that the High Court ought not have remanded the matter for fresh decision based on its consideration of only sole point of natural justice. In addition to natural justice, the High Court ought

4 (2014) 7 SCC 260
5 2026 SCC OnLine SC 193

to have examined findings of the Tribunal which were rendered on other issues. In our view, even this decision cannot come to the assistance of the petitioner, since the present proceedings are not arising out of the School Tribunal. Furthermore, the scope of review jurisdiction challenging the inquiry proceeding is very limited and we have given reasons on the issue of disputed questions of facts for not examining the issue with a liberty to raise this issue in challenge to final inquiry report. Therefore, on facts this decision is not applicable to the petitioner's case.

14. Insofar as the decision relied upon by the petitioner in the case of ***Utkal Highways Engineers and Contractors Vs. Chief General Manager and others***[6] is concerned, the Hon'ble Supreme Court in paragraph no. 8 observed '*throwing a writ petition on ground of availability of alternative remedy after 10 years, particularly when parties have exchanged their affidavits, is not the correct course unless there are disputed questions of fact which by their very nature cannot be adjudicated upon without recording formal evidence*'. In our view, the present facts before us are different than the facts before the Hon'ble Supreme Court and, therefore, this decision cannot come to the rescue of the petitioner. The petition was not pending for 10 years in our case and further as observed by us, disputed questions of facts could not have been examined in writ proceedings by us. This Court, in its order and judgment dated 09.09.2026 also observed that both the above

6 2025 SCC OnLine SC 1400

points were not even pleaded by the petitioner in its original petition nor it was amended raising this ground.

15. For all the above reasons, no case is made out for this Court to exercise review jurisdiction since same would amount to re-adjudicating issues, which is not permissible in review jurisdiction.

16. Review Application is, therefore, dismissed.

**[ JITENDRA JAIN ]**
**JUDGE**

**[ KISHORE C. SANT ]**
**JUDGE**

arp/