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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 11617/2023**

RAJNISH KUMAR EX CONSTABLE GDPetitioner

Through: Mr. Gaurav Kumar and Mr.
Naman Sherstra, Adv.

versus

UNION OF INDIA THROUGH MINISTRY OF
HOME AFFAIRS AND ORSRespondents

Through: Ms. Ritu Reniwal, SPC with
Mr. Kamaldeep, GP & Mr.
Dheeraj Sharma, Adv.

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

% **18.05.2026**

REVIEW PET. 228/2026

1. The present petition is filed seeking review of the judgment dated 02.05.2026, whereby this Court dismissed the main petition filed by the petitioner against his dismissal from service on account of being found guilty of the charges under Sections 20(b), 20(c), 22(a), 40 of the BSF Act, 1968.

2. It is essentially the case of the Petitioner that this Court erred in relying on the original record of the SSFC Trial proceedings which was handed over at the time of final arguments, even though, the same was never filed with the Counter Affidavit. It is argued that the Counter Affidavit remains unclear on how the SSFC trial was conducted wherein the Petitioner was not afforded any opportunity of hearing and he was not even intimated about initiation of SSFC

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proceedings. It is further argued that the decision of this Court was rendered without allowing the Petitioner to peruse the file and point out procedural infirmities in the SSFC Trial, which was concluded in haste. The Petitioner is also aggrieved that certain precedents relied on by him have not been discussed in the judgment.

3. As recorded in the judgment dated 02.05.2026, the only ground pressed by the Petitioner before this Court was that he had been denied an opportunity to cross examine the witnesses and defend against the charges levied against him, which was vehemently contested by the Respondents. No new ground can be entertained in the present review proceedings.

4. In the counter affidavit, the Respondents had specifically averred that the Petitioner was afforded adequate opportunities to defend his case in the SSFC Trial and proper procedure was followed. Although there was no reason to disbelieve the said assertions made by a competent officer on behalf of the Respondents in the counter affidavit, it was in the context of the limited grievance raised by the Petitioner that this Court had perused the original file of the Trial to satisfy itself. The record reflected that the Petitioner had duly participated in the proceedings by examining the prosecution witnesses and he had also been afforded an opportunity to defend himself. Be that as it may, the said fact is also apparent from the material on record, including the observations in order dated 26.10.2022, whereby the statutory petition preferred by the Petitioner was dismissed. Perusal of the judgment dated 02.05.2026 indicates that categorical observations to this effect have been noted in Paragraph 8. Moreover, at the time of arguments, when the Court had perused the original files to assuage itself, no such objection was



raised by the counsel for the Petitioner.

5. Even otherwise, it is well-settled that the scope of review proceedings is extremely limited and the Court can only review its order if there is any mistake or error apparent on the face of record. Power of review cannot be exercised to substitute a view and under guise of review, a litigant cannot be allowed to reargue the case. If the judgment sought to be reviewed is even erroneous, the same is not a ground to exercise the power of review [Ref. *S. Murali Sundaram v. Jothibai Kannan* : (2023) 13 SCC 515].

6. In view of the aforesaid discussion, this Court finds no reason to interfere with the judgment dated 02.05.2026.

7. The present review petition is accordingly dismissed.

ANIL KSHETARPAL, J

AMIT MAHAJAN, J

MAY 18, 2026

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