



RA-CW-31-2025 (O&M) in -1-
CWP-27815-2018 &

RA-CW-33-2025 (O&M) in
CWP-13037-2021 &

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

117 (02 cases)

RA-CW-31-2025 (O&M) in
CWP-27815-2018
Date of Decision :22.01.2025

Sonia Devi and others

...Petitioners

Versus

State of Punjab and others

....Respondents

RA-CW-33-2025 (O&M) in
CWP-13037-2021

Shikha Kaura and others

...Petitioners

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Rajiv Atma Ram, Senior Advocate with
Mr. Arjun Pratap Atma Ram, Advocate &
Mr. Shubham Parmar, Advocate for the review-applicants.

* * *

Harsimran Singh Sethi, J. (Oral)

1. Present review petitions have been filed by some of the petitioners, who had filed joint petitions on the ground that the report of the Chief Vigilance Officer is at variance with certain recommendations hence, review of order dated 17.12.2024 passed by this Court by which, the writ petitions were dismissed, has been sought.

2. While addressing the issue various factors have been



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considered in order to accept the decision passed by the authority concerned to scrap the selection process.

3. Learned Senior counsel for the review-applicants has failed to rebut that the ultimate recommendations made by the Chief Vigilance Officer of the Local Government, contain adverse observations qua the selection process.

4. Once, the various factors have been considered to uphold the order passed by the authority concerned to scrap the selection process, the mere fact that recommendations of the Vigilance Department, according to the review-applicants, were not supported by the Principal of the Institute, cannot be deemed sufficient ground for reconsideration of the order passed by the Court.

5. Further, it has already been held that various relatives of the employees working in the Institute had been selected hence, the Principal of the Institute will always defend the selection process. Once, the Vigilance Department has come to the conclusion that the selection process was under cloud, which report was accepted by the competent authority and this Court after going through the various factors has upheld the said order, the grounds raised in the present review petitions to seek the review of order dated 17.12.2024 passed by this Court, cannot be entertained.

6. Additionally, the next argument of the learned Senior counsel for the review-applicant is that even as per the findings, the paper leak was not verifiable.



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7. The word used is “not verifiable” does not mean that it has been held that there was no leak of paper. The only question was the same could not be verified but once there were major complaints and specific averments were made that the same was leak to the relatives of the employees working in the Institute, who were ultimately selected, the competent authority had taken a decision, the same was rightly upheld by this Court.

8. Further argument which has been raised by the learned counsel for the review-applicants is in the nature of readdressing the arguments to re-appreciate the facts so as to arrive at a different conclusion. The review petition is only permissible in case there is any factual error in the judgment. The view taken on the issue cannot be re-agitated on the ground that the same was not permissible in the fact and circumstances of the present case.

9. As per settled principle of law, under the garb of review petition, the review-applicants cannot be allowed to re-argue the case as the review Court cannot sit in appeal over its own decision. Reliance can be placed upon the judgment of Hon’ble Supreme Court of India in ***Civil Appeal Nos.1167-1170 of 2023 titled as S. Murali Sundaram vs. Jothibai Kannan and others decided on 24.02.2023***. Relevant paragraph of the said judgment is as under:-

5.1 While considering the aforesaid issue two decisions of this Court on Order 47 Rule 1 read with [Section 114](#) CPC are required to be referred to? In the case of [Perry Kansagra](#) (supra) this Court has observed that while exercising the review jurisdiction in an application under Order 47 Rule 1 read with [Section 114](#) CPC, the



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Review Court does not sit in appeal over its own order. It is observed that a rehearing of the matter is impermissible in law. It is further observed that review is not appeal in disguise. It is observed that 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. It is further observed that it is wholly unjustified and exhibits a tendency to rewrite a judgment by which the controversy has been finally decided. After considering catena of decisions on exercise of review powers and principles relating to exercise of review jurisdiction under [Order 47 Rule 1 CPC](#) this Court had summed upon as under:“(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 longdrawn 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*.”

10. Further, the Hon'ble Supreme Court of India in *Aribam Tuleshwar Sharma vs. Aribam Prishak Sharma, (1979) 4 SCC 389* has been held that it is only on discovery of new and important matter which after the exercise of due diligence was not within the knowledge of the person seeking the review or could not be produced by him at the time when



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order was made, the remedy of review may be exercised however, a review petition cannot be filed on the ground that decision was erroneous on merits as the same will be province of a Court of appeal. Relevant paragraph of the judgment is as under:-

3. The Judicial Commissioner gave two reasons for reviewing his predecessor's order. The first was that his predecessor had overlooked two important documents Exs. A-1 and A-3 which showed that the respondents were in possession of the sites even in the year 1948-49 and that the grants must have been made even by then. The second was that there was a patent illegality in permitting the appellant to question, in a single writ petition, settlement made in favour of different respondents. We are afraid that neither of the reasons mentioned by the learned Judicial Commissioner constitutes a ground for review. It is true as observed by this Court in [Shivdeo Singh v. State of Punjab](#) [AIR 1963 SC 1909] there is nothing in [Article 226](#) of the Constitution to preclude a High Court from exercising the power of review which inheres in every court of plenary jurisdiction to prevent miscarriage of justice or to correct grave and palpable errors committed by it. But, there are definitive limits to the exercise of the power of review. The power of review may be exercised on the discovery of new and important matter or evidence which, after the exercise of due diligence was not within the knowledge of the person seeking the review or could not be produced by him at the time when the order was made; it may be exercised where some mistake or error apparent on the face of the record is found; it may also be exercised on any analogous ground. But, it may not be exercised on



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the ground that the decision was erroneous on merits. That would be the province of a court of appeal. A power of review is not to be confused with appellate powers which may enable an appellate court to correct all manner of errors committed by the subordinate court."

11. While deciding the same issue of review, the Hon'ble Supreme Court of India in *Parison Devi vs. Sumitri Devi (1997) 8 SCC 715* held that 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 the record justifying the exercise of power of review. Hon'ble Supreme Court of India held that review petition cannot be filed for an erroneous decision to be reheard and corrected and the said review petition cannot be an appeal in disguise. Relevant paragraph of the judgment is as under:-

9. Under [Order 47 Rule 1 CPC](#) a judgment may be open to review inter alia if there is a mistake or an error apparent on the face of the record. An error which is not self-evident 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 the record justifying the court to exercise its power of review under [Order rder 47 Rule 1 CPC](#). In exercise of the jurisdiction under [Order 47 Rule 1 CPC](#) it is not permissible for an erroneous decision to be "reheard and corrected". A review petition, it must be remembered has a limited purpose and cannot be allowed to be "an appeal in disguise".

12. The said decision has already been followed by this Court in *Paramjit Singh through LRs vs. Gurdial Singh and others, 2022 SCC*



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Online P&H 1637. Relevant paragraph of the judgment is as under:-

"The counsel has further in his arguments sought to raise the points of self-contradictions self contradictions and self self-defeating stands and which could not be taken into consideration in a review application and and it is well settled law as has sought to be relied upon by counsel for the respondent who has cited the judgments titled as 'Sasi (D) Through Lrs. v. Aravindakshan Nair' (2017) 2 RCR (Civil) 363 and 'Parsion Devi v. Sumitri Devi' (1997) 4 RCR (Civil) 458 458;; where the Apex Court has laid down that a review cannot be allowed to be disguised as an appeal for getting an erroneous decision reheard and corrected and has to be used within the ambit of [Order 47 Rule 1 CPC](#) to rectify any error patent on the records instead of assailing the orders on the appeals by this Court before the next Court the instant review has come about for a motivated cause. Since, this Court cannot come across any mistake or an error apparent on the records which could be self evident and any such interpretation that is sought to be put forth by the counsel for the applicant by process of reasoning cannot be considered at this juncture."

13. Recently Hon'ble Supreme Court of India in **Shri Ram Sahu (Dead) through Legal Representatives and others vs. Vinod Kumar Rawat and others (2021) 13 SCC 1,** held as under:-

"6. The limitations on exercise of the power of review are well settled. The first and foremost requirement ment of entertaining a review petition is that the order, review of which is sought, suffers from any error apparent on the face of the order and permitting the order to stand will lead to failure of justice. In the absence of any such error, finality attached attached to the judgment/order cannot be disturbed.'

9. The power of review can also be exercised by the court in the



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event discovery of new and important matter or evidence takes place which despite exercise of due diligence was not within the knowledge of the applicant or could not be produced by him at the time when the order was made. An application for review would also lie if the order has been passed on account of some mistake. Furthermore, an application for review shall also lie for any other sufficient sufficient reason.

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 pronounced, 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.' "

8. The dictionary meaning of the word "review" is "the act of looking, offer something again with a view to correction or improvement". It cannot be denied that the review is in the creation of a statute. In v. Pradyumansinghji Arjunsinghji, (1971) 3 SCC 844] , this Court has held that the power of review is not an inherent power. It must be conferred by law either specifically or by necessary implication. The review is also not an appeal in disguise. [Patel Narshi Thakershi v. Pradyumansinghji Arjunsinghji \[Patel Narshi Thakershi](#)

9. What can be said to be an error apparent on the face of the proceedings has been dealt with and considered by this Court in v. T. Nagappa, AIR 1954 SC 440] . It is held that such an error is an error which is a patent error and not a mere wrong decision. [T.C. Basappa v. T. Nagappa \[T.C. Basappa](#) on. In [Hari Vishnu Kamath v. Syed Ahmad Ishaque \[Hari Vishnu Kamath v.](#)



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233] , it is observed as under : (SCC p. 244, para 23).”

14. Keeping in view the settled principle of law noticed hereinbefore as well as the fact that no factual discrepancy has been pointed out in the order dated dated 17.12.2024, review is not permissible as the arguments sought to be addressed under the garb of review are in the nature of appeal hence, cannot be addressed before this Court in review petition.

15. A photocopy of this order be placed on the file of connected cases.

January 22, 2025
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No