



2025:CGHC:37635

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

REVP No. 187 of 2025

1 - Dulesh Kumar Bhardwaj S/o Shri Netram Bhardwaj Aged About 51 Years
Occupation- Teacher (Arts), Government Middle School Saraipali, Block
Division Korba District Korba (C.G.)

... **Petitioner(s)**

versus

1 - State Of Chhattisgarh Through The Secretary School Education
Department, Mahanadi Bhawan, Atal Nagar, Nava Raipur, District Raipur
(C.G.)

2 - Director Public Instruction Directorate Chhattisgarh First Floor, C-Block
Indiravati Bhavan, Naya Raipur, District Raipur (C.G.)

3 - Joint Director Education Department Bilaspur District Bilaspur (C.G.)

4 - Collector Korba District Korba (C.G.)

5 - Secretary District Rationalization Committee (District Education Officer)
Korba, District Korba (C.G.)

6 - Sub-Divisional Magistrate (Revenue) Korba District Korba (C.G.)

7 - Block Education Officer Korba District Korba (C.G.)

... **Respondent(s)**

(Cause title taken from Case Information System)

For Petitioner(s)	:	Mr. Awadh Tripathi, Advocate
For Respondent(s)/State	:	Mr. Suyashdhar Badgaiya, Deputy G.A.

Hon’ble Shri Justice Ravindra Kumar Agrawal

Order on Board

31/07/2025

1. This petition is filed seeking review of the order dated 16-06-2025 passed in WPS No. 5089/2025, by which this Court has dismissed the writ petition filed by the petitioner.
2. Learned counsel for the applicant submits that the petitioner has been posted under the rationalization instructions dated 02-08-2024 by the Collector, who is not the appointing authority of the petitioner. The Joint Director is the appointing authority of the petitioner, but the same was not considered while passing the order under review. Without calling for any reply from the State Government, and without clarifying the pleadings, the impugned order dated 19-06-2025 is passed. at Middle School Lampahad, there are 12 students and 3 teachers of Maths, Science and Arts, who were already working there. There is no requirement for the petitioner at Middle School, Lampahad. At Middle School Dadar Khurd, the number of students is 110, and a vacant post of teacher (Arts) is also there, but the same was not displayed at the time of counselling. The Middle School, Jagarha, has also not been displayed at the time of counselling, where the post of teacher (Arts) was vacant. Therefore, the order dated 19-06-2025 is liable to be reviewed, and the matter may be reheard.
3. On the other hand, learned counsel for the state opposes and submits that as per clause 10.4 of the rationalization instructions, equal numbers of the school and surplus teachers have been displayed. In the Korba district, there were 75 surplus teachers in the Arts subject and 75 schools (04 schools were teacherless, 18 schools were single

teachers, 38 schools were two teachers, and 15 schools had excess teachers), were displayed. At Jagarha school, 03 teachers were posted for 68 students and therefore, Jagarha school was not displayed at the time of counselling. The writ petition is decided on the basis of the documents annexed with the writ petition. Further, from the material produced with the writ petition, the impugned order is passed and there is no illegality or irregularity and the same need not required to be reviewed.

4. I have heard learned counsel for the parties and perused the material annexed with the review petition and writ petition.
5. Perusal of the order under review would show that it is a bi-party order. Grounds raised in the review petition that the Collector has no jurisdiction to pass the order of posting of the petitioner under the rationalization instructions is having no much force as the order dated 03-06-2025 was passed by the District Level Rationalization Committee constituted under clause 1-C of the rationalization instructions dated 02-08-2024. The District Level Rationalization Committee is constituted, headed by the District Collector, and therefore, it cannot be said that the Collector has no jurisdiction to pass the order of posting of the petitioner. The schools where the teachers were required have been displayed. If the petitioner did not satisfy the court, there is no requirement to call for a reply from the state. The matter pertains to rationalization of the petitioner and his posting, which involved various factual aspects. Further, the provisions of the

rationalization instructions have been correctly applied in the case while passing the order under review.

6. At this juncture, it shall be advantageous to discuss the law with regard to the power of review. The Court may review its judgment or order, but no application for review shall be entertained except on the grounds mentioned under Order 47 Rule 1 of the CPC.
7. Section 114 of the CPC vests power of review in the Courts and Order 47 Rule 1 of the CPC provides for the scope and procedure for filing a review. The same is reproduced hereunder:-

“Order 47 Rule 1 of CPC

(1) Application for review of judgment- Any person considering himself aggrieved-

(a) by a decree or order from which an appeal is allowed, but from which no appeal has been preferred.

(b) by a decree or order from which no appeal is allowed, or

(c) by a decision on a reference from a Court of Small Causes, and who, from the discovery of new and important matter or evidence which, after the exercise of due diligence was not within his knowledge or could not be produced by him at the time when the decree was passed or order made, or on account of some mistake or error apparent on the face of the record or for any other sufficient reason, desires to obtain a review of the decree passed or order made against him, may apply for a review of judgment to the Court which passed the decree or made the order. (emphasis supplied)

(2) A party who is not appealing from a decree or order may apply for a review of judgment notwithstanding the

pendency of an appeal by some other party except where the ground of such appeal is common to the applicant and the appellant, or when, being respondent, he can present to the Appellate Court the case on which he applied for the review.

Explanation- The fact that the decision on a question of law on which the judgment of the Court is based has been reversed or modified by the subsequent decision of a superior Court in any other case, shall not be a ground for the review of such judgment."

8. In the matter of **M/s Northern India (India) Ltd. v. Lt. Governor of Delhi**, 1980 (2) SCC 167, the Hon'ble Supreme Court held that "*A plea for review, unless the first judicial view is manifestly distorted, is like asking for the moon. A forensic defeat cannot be avenged by an invitation to have a second look, hopeful of discovery of flaws and reversal of result. A review in counsel's mentation cannot repair the verdict once given. So the law laid down must rest in peace.*"
9. In the matter of **Sajjan Singh and others vs. State of Rajasthan and others** [AIR 1965 SC 845], the Hon'ble Supreme Court held that "*the parties are not entitled to seek review of the judgment delivered by this Court merely for purpose for review and fresh decision of the case. The normal principle that judgments pronounced by this Court would be final, cannot be ignored and unless considerations of a substantial and compelling character make it necessary to do so.*"
10. In the matter of **Parsion Devi and others v. Sumitri Devi and others** reported in 1997 (8) SCC 715, the Hon'ble Supreme Court in para-9 held as under:-

“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 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 review under Order 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 limited purpose and cannot be allowed to be "an appeal in disguise.”

11. In the matter of **M/S Shanti Conductors (P) Ltd v. Assam State Electricity Board** reported in 2020 (2) SCC 677, the Hon’ble Supreme Court dismissed the petition and held that “*The scope of review is limited and under the guise of review, petitioner cannot be permitted to reargue and reargue the questions, which have already been addressed and decided.*”
12. In the matter of **Satyanarayan Laxminarayan v. Mallikarjun Bhavanappa** reported in AIR 1960 SC 137, the Hon’ble Supreme Court in para-8 held as under:-

“8. The main question that arises for our consideration in this appeal by special leave granted by this Court is whether there is any error apparent on the face of the record so as to enable the superior court to call for the records and quash the order by a writ of certiorari or whether the error, if any, was "a mere error not so apparent on the face of the record",

**which can only be corrected by an appeal if an appeal
lies at all.”**

13. In the present review petition, the petitioner has prayed for the recall of the order passed by this Court in WPS No. 5089/2025. The prayer made by the review petitioner appears to be misconceived. Further, the case [WPS No. 5089/2025] is decided by this Court on 19-06-2025 after discussing the facts and going through the documents available on the record; there is no error of law apparent on the face of the record, therefore, the prayer sought for recalling of the order passed in WPS No. 5089/2025 by way of this review petition is not permissible, and in the opinion of this Court, no ground is made out for review.

14. Accordingly, the review petition is **dismissed**.

**Sd/-
(Ravindra Kumar Agrawal)
Judge**

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