2026:PHHC:001324

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CM-19192-CWP-2025 IN/AND
RA-CW-588-2025 (O&M) IN
CWP-4917-2025

Diksha Kalson

….Review-Applicant/Petitioner

versus

State of Haryana and others

….Non-Review-Applicants/Respondents

Date of Decision: January 09, 2026
Date of Uploading: January 12, 2026

CORAM: **HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE**
HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Birinder Pal, Advocate
for the review-applicant/petitioner.

Mr. Balvinder Sangwan, Advocate
for non-applicant-respondent No.2-HPSC (on advance copy).

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SUMEET GOEL, JUDGE

By way of review application bearing No.RA-CW-588-2025 (hereinafter referred to as '*application in hand*') seeking review of the final order of judgment dated 28.02.2025 passed in CWP-4917-2025, the review-applicant/ petitioner has implored this Court to review the aforesaid final order/ judgment, whereby, the said writ petition preferred by her, was dismissed. Along-with *application in hand*, an application, i.e., CM-19192-CWP-2025 (hereinafter referred to as '*delay condonation application*') seeking condonation of 260 days delay has also been preferred.

2. Shorn of non-essential details, the relevant factual matrix of the *lis* in hand is adumbrated thus:

i) The writ petition (CWP-4917-2025) was filed by the review-applicant/petitioner with the following substantive prayer:

> *"i. Issue a writ, order, or direction in the nature of Mandamus declaring Clause 33 of the Advertisement (Anneure P-1) to be ultra vires of the Constitution of India;*
> *ii. Issue a writ, order, or direction in the nature of Mandamus to the Respondent No.2 and 3 to produce the Answer Sheet of English Paper IV of the Civil Judge (Junior Division) Examination – 2023-24 of the Petitioner bearing Roll Number 1973;*
> *iii. Issue a writ, order, or direction in the nature of Mandamus directing the Respondent No.2 and 3 to ensure that Question No.2(x) of English Paper IV, as attempted by the Writ Petitioner, is to evaluated again by some other Examiner;*
> *iv. Issue a writ, order, or direction in the nature of Mandamus directing the Respondent No.2 and 3 to consider the response as answered by the Petitioner for Question No.2(x) as correct and award her 2.5 marks in the aforesaid question and to declare the Petitioner as a successful candidate for the final selection in the Civil Judge (Junior Division) Examination – 2023-24,"*

ii) Vide the final order/ judgment dated 28.02.2025, this Court had dismissed the writ petition preferred by the review-applicant/petitioner.

iii) Raising grievance against the final order/ judgment dated 28.02.2025, the review-applicant/petitioner has preferred the *application in hand* seeking review of the order/ judgment *ibid.*

iv) It is in this factual backdrop, the *application in hand* has come up for adjudication before this Court.

3. Learned counsel for the review-applicant/ petitioner has argued that this Court, while passing the final order/ judgment dated 28.02.2025 in CWP-4917-2025, has not considered that in similar like circumstances, this Court had earlier granted direction(s) for re-evaluation of the answer given by another person in a separate writ petition. Learned counsel has, in essence, iterated that this Court ought to have directed for re-evaluation of the answer given by the review-applicant/ petitioner to Question No.2(x). Learned

counsel has iterated that interest of justice demands that this Court, by way of exercising its power under review jurisdiction, ought to grant an opportunity to the review-applicant/petitioner for re-evaluation of her answer to the above question which, in fact, would make her eligible by achieving the requisite threshold. Learned counsel has further iterated that the non-applicants-respondents were duty bound for adopting a fair and transparent process in conducting of a competitive examination or evaluation of answer sheets and denial thereof is violative of Article 21 of the Constitution of India. Thus, grant of *application in hand* is entreated for.

4. *Per contra*, learned counsel for non-applicant-respondent No.2 has opposed the *application in hand* by primarily arguing that *application in hand*, actually, amounts to recalling of the final order/ judgment dated 28.02.2025, which has been passed considering the entire factual *milieu* of the case and plea made in the *application in hand* is beyond the scope, nature and extent of review jurisdiction as enshrined in the Civil Procedure Code, 1908. Learned counsel has, thus, sought for dismissal of the *application in hand* along with *delay condonation application*.

5. We have heard learned counsel for the rival parties and have perused the record.

Prime Issue

6. The seminal legal issue that arises for consideration is the scope, nature and extent of review jurisdiction as enshrined in the Civil Procedure Code, 1908/ writ jurisdiction.

The analogus issue that arises is as to whether the *application in hand*, seeking review of earlier order passed by this Court, ought to be granted in the factual matrix of the present case.

Relevant Statutory provisions

7. The Code of Civil Procedure, 1908 (hereinafter to be referred as '*the C.P.C.*')

Section 114 of C.P.C, 1908 reads as under:-

"***Review***: - *Subject as aforesaid, any person considering himself aggrieved–*

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

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

(c) by a decision on a reference from a Court of Small Causes, may apply for a review of judgment to the Court which passed the decree or made the order, and the Court may make such order thereon as it thinks fit."

Order XL VII, Rule 1 of CPC reads as under:

"*i. Application for review of judgment - (1) 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 of the Court which passed the decree or made the order.

(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 applies 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.*"

Case-Law

8. The precedent(s) germane to the matter in issue are, thus:

(i) In a judgment titled *as* ***Northern India Caterers (India) Ltd. v. Lt Governor of Delhi, 1980(2) SCC 167***, a Three Judge Bench of the Hon'ble Supreme Court has held as under:

> **"***It is well settled that a party is not entitled to seek a review of a judgment delivered by this Court merely for the purpose of a rehearing and a fresh decision of the case. The normal principle is that 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. Sajjan Singh v. State of Rajasthan, (1965) 1 SCR 933 at p. 948. For instance, if the attention of the Court is not drawn to a material statutory provision during the original hearing, the Court will review its judgment. G. L. Gupta v. D. N. Mehta, (1971) 3 SCR 748 at p.760. The Court may also reopen its judgment if a manifest wrong has been done and it is necessary to pass an order to do full and effective justice. O. N. Mohindroo v. Distt Judge Delhi (1971) 2 SCR 11 at p.27. Power to review its judgments has been conferred on the Supreme Court by Article 137 of the Constitution, and that power is subject to the provisions of any law made by Parliament or the rules made under Article 145. In a civil proceeding, an application for review is entertained only on a ground mentioned in XLVII Rule 1 of the Code of Civil Procedure, and in a criminal proceeding on the ground of an error apparent on the face of the record. (Order XL rule 1, Supreme Court Rules, 1966). But whatever the nature of the proceeding, it is beyond dispute that a review proceeding cannot be equated with the original hearing of the case, and the finality of the judgment delivered by the Court will not be recognized except "where a glaring omission or patent mistake or like grave error has crept in earlier by judicial fallibility***"***.

(ii) In a judgment titled as **S. Nagaraj v. State of Karnataka, 1993 (4) SCT 264**, a Three Judge Bench of the Hon'ble Supreme Court has held as under:

> **"***19. Review literally and even judicially means re-examination or reconsideration. Basic philosophy inherent in it is the universal acceptance of human fallibility. Yet in the realm of law the courts and even the statutes lean strongly in favour of finality of decision legally and properly made. Exceptions both statutorily and judicially have been carved out to correct accidental mistakes or miscarriage of justice. Even when there was no statutory provision and no rules were framed by the highest court indicating the circumstances in which it could rectify its order the courts culled out such power to avoid abuse of process or miscarriage of justice.***"**

(iii) More recently, the Hon'ble Supreme Court in a judgment tiled as **S. Murali Sundaram v. Joihibai Kannan & Ors, in Civil Appeal**

Nos.1167-1170 of 2023, after considering a catena of decisions of review jurisdiction has summed up thus:

> "*(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 by 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.*"

9. The canonical principles delineating the purview of review jurisdiction, as enshrined in Section 114 and Order XL VII of the CPC, are incontrovertibly established and have been the subject of extensive judicial pronouncements. It is a fundamental tenet of our legal jurisprudence that the latitude of review is exceedingly circumscribed, strictly confining itself to the specific predicates meticulously enumerated in Order XLVII, Rule 1 of the CPC. This limitation underscores the extraordinary nature of the power, which is not intended to be a routine avenue for re-examining concluded matters as has been held by the Hon'ble Supreme Court in ***Northern India Caterers*** (supra), ***S. Nagaraj*** (supra), ***S. Murali Sundaram*** (supra). The prerogative of review, therefore, must be wielded with utmost circumspection, ever mindful that its exercise does not transmute into an appeal masquerading in different garb. This judicial vigilance is crucial to uphold the finality of judgments and prevent an endless cycle of litigation. As the adage goes, "***Interest reipublicae ut sit finis litium***" - it is in the public

interest that there be an end to litigation. The Court is imperatively obligated to remain cognizant that the invocation of this power must eschew any re-examination of an issue on its substantive merits. To embark upon such a course would be to offend the settled judicial maxim, "***Res judicata pro veritate accipitur***"-a decided matter is taken for truth, thereby undermining the foundational principle that once a matter has been adjudicated upon its merits and attained finality, it ought not to be reopened to vex the tranquility of judgment. These principles, though enunciated in realm of C.P.C. jurisdiction, would apply to writ jurisdiction as well.

9.1. *Ergo*, it is indubitable that the power of review is not intended to re-litigate a cause that has been thoroughly argued and decided. Instead, its primary purpose is to correct manifest errors apparent on the face of the record, such as a clear mistake or error committed by the court, discovery of new and important matter or new evidence, or any other sufficient reason analogous to the preceding grounds. It is a remedial power, designed to ensure that justice is not thwarted by inadvertence, oversight, or patent error, rather than to provide a second opportunity for a party to re-argue points that have already been considered and decided by the Court.

Analysis (re facts of the present case)

10. A perusal of the final order/ judgment dated 28.02.2025 reflects that this Court, while adjudicating upon the writ petition, had perused the answer in issue given by the review-applicant/petitioner to the question in issue and had held that said evaluation could not be said to be palpable incorrect or wrong. The relevant part of the said final order/ judgment reads thus:

> **"***The factual matrix of the case in hand reflects that the concerned expert/examiner has perused the answer in issue given by the petitioner to the question in issue and thereafter has chosen to award zero marks to the petitioner for the said answer. We have perused the question in issue and answer thereto given by the petitioner and, in our considered opinion, it cannot be said that such evaluation was palpably incorrect or egregious. The petitioner is indeed seeking this Court to be a super-evaluator, supplanting its view for that of the examiner/expert. This Court is indubitably convinced that, it cannot tread this path muchless in the factual matrix of the present case. Further, Clause 33 clearly proscribes re-evaluation of the answer sheets. It only permits limited re-checking of the answer sheets, to a limited, extent i.e. as to whether some part of the answer sheet has been left unevaluated or there is a totaling error. In the case in hand, none of these situations emerge, much less are pleaded. Ergo, in the attending facts and circumstances of the writ petition in hand, the same deserves to be rejected.***"**

In view of the above, the ground(s) pleaded by the review-applicant/petitioner are mis-founded *nay* mis-conceived.

11. A meticulous perusal of the grounds articulated in the instant application conclusively reveals that, under the thin veil of seeking a review, the applicant has approached this Court to re-adjudicate the very *lis* on its substantive merits. Such a course of action is patently impermissible and falls squarely outside the strictly delineated ambit of review jurisdiction. The review-applicant has utterly failed to pinpoint any palpable defect, error apparent on the face of the record, or any analogous sufficient reason within the impugned order that would afford a legitimate occasion for this Court to exercise its extraordinary power of review and revisit its earlier pronouncement. In essence, the application seeks a rehearing of issues already considered and decided, a plea that is antithetical to the finality of judicial pronouncements.

12. There is another aspect of the case in hand that warrants attention of this Court.

The final order/ judgment was passed on 28.02.2025, whereas, the *application in hand* seeking review thereof has been instituted after delay of 260 days. Indubitably, a separate application has been filed seeking condonation of said 260 days delay. A perusal of the *delay condonation application* reflects that the review-applicant/ petitioner has not furnished any cogent or satisfactory explanation for this protracted delay. An inordinate and unexplained *hiatus* of 260 days, in the considered opinion of this Court, evinces a deliberate attempt on the part of the review-applicant/petitioner to protract the proceedings.

This Court is, therefore, constrained to observe that *application in hand* as also *delay condonation application* are bereft of any credible justification & does not merit indulgence.

Decision

13. In view of the prevenient ratiocination, it is ordained thus:

(i) The *delay condonation application* as also *application in hand* are dismissed.

(ii) No order as to costs.

(SUMEET GOEL)
JUDGE

(SHEEL NAGU)
CHIEF JUSTICE

January 09, 2026
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No