

**IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA**

**Review Petition No.30 of 2026**

**Date of Decision: 16.04.2026**

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State of Himachal Pradesh & others .....Petitioners

Versus

Bir Singh ... Respondent

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Coram:

**Hon'ble Mr. Justice Sandeep Sharma, Judge.**

Whether approved for reporting? <sup>1</sup>

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**For the Petitioners :** Mr. Rajan Kahol & Mr. Vishal Panwar,  
Additional Advocate Generals with Mr.  
Ravi Chauhan & Mr. Anish Banshtu,  
Deputy Advocates General.

**For the Respondent:** Nemo.

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**Sandeep Sharma, Judge**(oral):

**CMP(M) No.493 of 2026**

For the reasons set out in the application, delay of 140 days in filing the petition, which in my considered view has sufficiently been explained, is condoned. The application stands disposed of. The petition be registered.

**Review Petition No.30 of 2026**

2. By way of present Review Petition filed under Section 47 read with Section 114 of the Code of Civil Procedure, a prayer has been made on behalf of the review petitioners to review and recall the judgment dated 03.09.2025 passed by this Court in CWP No. 7099 of

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<sup>1</sup>Whether the reporters of the local papers may be allowed to see the judgment?

2023, titled as **Bir Singh vs. State of Himachal Pradesh and others**, whereby this Court, while allowing the petition, directed the respondents to consider the case of the petitioner for promotion to the post of Honorary ASI from due date when his immediate juniors were promoted.

3. I have heard learned counsel for the parties and gone through the record of the case.

4. The grounds raised are nothing but reiteration of the grounds urged in petition. The review jurisdiction is not meant to appreciate and re-appreciate the facts already considered and urged. The review petition cannot be equated with original hearing of the case and finality of the order sought to be reviewed cannot be questioned by opening the entire case. The submission made that the decision suffers from an error apparent on the face of the record cannot be accepted. The Hon'ble Supreme Court *in M/s.Thungabhadra Industries Ltd. vs. The Government of Andhra Pradesh, AIR 1964 SC 1372*, held:

“11. ....a review is by no means an appeal in disguise whereby an erroneous decision is reheard and corrected, but lies only for patent error. We do not consider that this furnishes a suitable occasion for dealing with this difference exhaustively or in any great detail, but it would suffice for us to say that where without any elaborate argument one could point to the error and say here is a substantial point of law which stares one in the face, and there could reasonably be no two opinions entertained about it, a

clear case of error apparent on the face of the record would be made out.....”

(P.1377)

5. This Court sees no material irregularity manifest in the order, undermining its correctness or resulting into miscarriage of justice. Needless to say that the review is not an appeal in disguise, entitling a party to be heard, simply because the party wants decision to be otherwise.

6. Consequently, in view of above, as well as principles laid down in the judgment rendered by Hon'ble Apex Court in ***Kamlesh Verma vs. Mayawati & Ors, (2013)8 SCC 320*** and ***Akhilesh Yadav Etc. vs. Vishwanath Chaturvedi, (2013)2 SCC 1***, the present petition is dismissed. Pending applications, if any, are also disposed of.

(Sandeep Sharma),  
Judge

April 16,2026  
(shankar)