
(2025) 10 JH CK 1308

In the Jharkhand High Court

Case No : Contempt Case (Civil) No. 775 of 2025

Krishna Bahadur Pariyar

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision : 13-10-2025

Acts Referred:

Citation : (2025) 10 JH CK 1308

Hon'ble Judges : Gautam Kumar Choudhary, J

Bench : Single Bench

Advocate : Dhananjay Kumar Dubey, Ashutosh Anand

Final Decision : Dismissed

Judgement

Gautam Kumar Choudhary, J

Civil Review (Filing) No. 8615 of 2025

1. The instant civil review has been filed for review of the order/judgment dated 20.12.2023 passed by this Court in W.P. (S) No. 3331 of 2023 whereby and whereunder, W.P. (S) No. 3331 of 2023 preferred by opposite party nos. 1 to 4 has been allowed and the impugned letters/order issued vide Memo No. 348 dated 26.06.2023 was set aside.

2. Earlier Civil Review No.111 of 2024 was preferred by the private parties which was dismissed by this Court vide order dated 06.03.2025 inter alia on the ground that original writ petitioners were granted out of turn promotion in 2006 and further promotion in 2012 which was never challenged and consequently, seniority list as published on 23.11.2020, also remained unchallenged as memo no.348 dated 26.06.2023 was in violation of the seniority list therefore, the review petition was dismissed.

3. Instant civil review petition has been preferred on behalf of the State which was also a party in W.P. (S) No.3331 of 2023 after L.P.A. No. 101 of 2024 was dismissed as withdrawn with liberty to prefer a review petition against the order

dated 20.12.2023.

4. The sum and substance of the order under review is that the original petitioners were granted out of turn promotion ,and were placed in the seniority list which was sought to be circumvented by the memo no.348 dated 26.06.2023, by which those below in seniority, were proposed to be send for training for being considered for promotion. The said memo was quashed as settled seniority list was being violated by the said memo.

5. The instant civil review is preferred inter alia on the ground that the letter no.3463 dated 03.06.2022 has been upheld by this Court in W.P. (S) No.2189 of 2023 and other related cases vide judgment and order dated 12th

March, 2024, wherein it was held that memo dated 03.06.2022 was in consonance with the principles laid down by the Apex Court in Baldev Singh Dhingra & Others vs. Madan Lal Gupta & Others, (1999) 2 SCC 745. It is contended that seniority in feeder post cannot be considered for further promotion as the petitioner had received accelerated promotion to the feeder post and therefore, the seniority in the basic cadre for promotion can only be considered.

6. This Court is of the view that appeal cannot be in the garb of a review petition, as the scope of judicial scrutiny in a review petition is a limited one. A review petition can be considered only to correct error apparent on the face of the record and cannot enter into the merit of the order already passed as held in catena of decision and reiterated in Malleeswari vs. K. Suguna & Another, S.L.P. (C) No.12787 of 2025.

7. In the case at hand, the issue was not of "basic cadre" and "feeder post". The question was when seniority list of those who were granted out of turn promotion, had never been challenged, and subsequent promotions were also allowed on its basis, can such seniority be circumvented without challenging the seniority list.

8. The answer was obviously in the negative and impugned memo was struck down in W.P. (S) No. 3331 of 2023.

9. The review petitioners were very much a party in the writ petition and seeks to assail the order on a fresh ground in review which is clearly impermissible.

The review petition is accordingly, dismissed. Pending Interlocutory Application, if any, stands disposed of.

Contempt Case (Civil) No. 775 of 2025

List this case on 03.11.2025.