



2026:AHC-LKO:40672

AFR

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CIVIL MISC REVIEW APPLICATION No. - 65 of 2025

Tapish Sharma

.....Applicant(s)

Versus

State Of U.P. Thru. Addl. Chief Deptt. Of Home Govt.
Of U.P. And 2 Others

.....Opposite
Party(s)

Counsel for Applicant(s) : Dr. Pooja Singh, Abhishek Yadav, Surya
Prakash Tiwari

Counsel for Opposite Party(s) :

Reserved on 20.5.2026
Delivered on 10.6.2026

Court No. - 3

HON'BLE KARUNESH SINGH PAWAR, J.

1. Heard Dr. Pooja Sharma, learned counsel for the review applicant and Ms. Deepshikha, learned Chief Standing Counsel-II, assisted by Mr. Ashwani Singh, learned counsel for opposite party no. 2/Board.

2. The present review application has been filed by the applicant, Tapish Sharma, seeking review/modification of paragraphs 2 and 4 of the judgment and order dated 21.04.2025 passed in Writ-A No. 4076 of 2025 (Tapish Sharma vs. State of U.P. and others).

3. Learned counsel for the review applicant submits that the applicant had applied for appointment to the post of Assistant Operator (Radio Cadre) pursuant to Advertisement dated 06.01.2022 under the EWS category and had uploaded a valid EWS certificate issued by the competent authority along with the OnLine application form. It is contended that despite the applicant securing higher marks than the last selected EWS candidate, he was illegally denied consideration under the EWS category.

4. It is further submitted that when the writ petition was taken up on 21.04.2025, incomplete and manipulated written instructions were produced before the Court and one page containing the applicant's EWS certificate was omitted, as a result of which the Court proceeded on an incorrect factual premise while dismissing the writ

petition. Thus, her submission is that the findings recorded in paragraphs 2 and 4 of the judgment under review suffer from a factual error apparent on the face of the record.

5. Per contra, learned Chief Standing Counsel submits that the review application is wholly misconceived and not maintainable in law. It is contended that as specifically stated in the written instructions placed before the Court, the petitioner, while applying through OnLine, had not filled under the EWS category. She further submits that the EWS certificate subsequently produced by the petitioner was not in the prescribed format and therefore, the benefit of reservation under the EWS category could not be extended to him. The final select list had already been declared on 26.03.2025 and forwarded to the Inspector General of Police for further necessary action, after which the jurisdiction of the Recruitment Board came to an end. She further submitted that the allegations regarding manipulation, concealment or suppression of record are baseless. Even if any page was inadvertently omitted, the same document was otherwise available on record and no prejudice was caused to the applicant. Thus, her submission is that review jurisdiction cannot be invoked to re-agitate factual disputes or seek rehearing of the matter on merits. In support of her contentions, she relied upon the decisions of the Hon'ble Supreme Court in *Meera Bhanja vs. Nirmala Kumari Choudhary*; (1995) 1 SCC 170, *Parison Devi and others vs. Sumitri Devi and others*; (1997) 8 SCC 715, *Rajasthan High Court, Jodhpur and another vs. Neetu Harsh and another*; (2021) 11 SCC 383; and *Madhya Pradesh Public Service Commission vs. Manish Bakawale and others* (2021) 18 SCC 61.

6. Having regard to the submissions advanced by learned counsel for the parties and the material brought before this Court, it is pertinent to mention that the scope of review jurisdiction has been considered and adjudicated by the Hon'ble Supreme Court in a catena of cases and the well-settled principles have been reiterated time and again. It would be sufficient to refer to the judgment of the Hon'ble Supreme Court in *Kamlesh Verma vs. Mayawati and others*; (2013) 8 SCC 320, wherein the scope of review jurisdiction has been elaborately considered. The Hon'ble Supreme Court has held that review is maintainable only in cases of discovery of new and important matter or evidence which, despite due diligence, was not within the knowledge of the applicant or could not be produced earlier; mistake or error apparent on the face of the record; or any other sufficient

reason analogous thereto. It has further been held that review is not an appeal in disguise and the Court cannot reappreciate evidence or re-hear the matter on merits.

7. The aforesaid principles have also been reiterated in *Karnail Singh vs. State of Haryana (supra)* and *Vikram Singh alias Vicky Walia vs. State of Punjab and another, (2017) 8 SCC 518*.

8. Applying the parameters of review jurisdiction as noticed above, this Court now proceeds to examine whether any ground exists for exercising review jurisdiction to review the judgment dated 21.04.2025.

9. The principal grievance of the review applicant rests upon the assertion that the EWS certificate had been duly uploaded and that the judgment under review proceeded on an incorrect factual premise. However, it has been the consistent stand of the State that the present review application is wholly misconceived and is nothing but an attempt to secure a rehearing of the writ petition on merits under the guise of review. According to learned counsel for the State, all relevant facts and written instructions available at the time of hearing of the writ petition were placed before this Court, whereafter the writ petition came to be dismissed by a reasoned order dated 21.04.2025. The State has further categorically asserted that the review applicant had never applied under the EWS category in the original online application form and had consciously submitted his candidature under the Unreserved (UR) category. Once the applicant himself opted for the UR category at the stage of submission of the online form, no subsequent claim for migration or conversion to the EWS category could be entertained contrary to the express terms of the advertisement and governing selection conditions. It has also been submitted that the judgment relied upon by the review applicant in *Kumari Soni Singh (supra)* is clearly distinguishable and has no application to the facts of the present matter, inasmuch as in the said case the candidate had admittedly applied under the EWS category, whereas in the instant case, according to the respondents, the applicant had applied under the UR category from the very inception.

10. So far as the grievance raised by the review applicant regarding alleged non-placement/missing of page no.16 from the set of written instructions furnished before the Court is concerned, the same, in the considered opinion of this Court, does not constitute a ground

warranting exercise of review jurisdiction. Even otherwise, mere omission, misplacement or non-tagging of a particular page in a compilation of documents, by itself, would not automatically render the judgment under review erroneous, unless it is further shown that such omission has resulted in a patent error apparent on the face of the record or has occasioned manifest miscarriage of justice. Review cannot be entertained on every procedural irregularity or alleged defect in presentation of papers.

11. The plea raised by the applicant necessarily invites this Court to enter into disputed factual enquiries, namely, whether page no.16 was in fact part of the original set of instructions; whether it was omitted inadvertently or deliberately; what was the exact nature and contents of the said page; whether the same was otherwise available elsewhere on record; and what impact, if any, it would have had upon the conclusions already recorded. All such questions require appreciation of facts and scrutiny of evidence beyond the self-evident record and, therefore, travel outside the narrow confines of review jurisdiction.

12. However, in the interest of justice, this Court summoned the concerned Officer who provided the said instructions to learned Chief Standing Counsel by means of order dated 13.05.2026. In compliance thereof, Shri Satyarth Aniruddha Pankaj, Deputy Inspector General (Personnel, Selection & Recruitment/Promotion Board), appeared before this Court on 20.05.2026. Upon a query being made by the Court, Ms. Deep Shikha, learned Chief Standing Counsel, submitted that page nos. 16/17 of the written instructions were inadvertently omitted earlier; however, the same has caused no prejudice to the petitioner in any manner. She has produced the original records before the Court and demonstrated that page nos. 16/17, as uploaded by the petitioner, are identical to running page 22 of the written instructions available on record. She further submitted that it is an admitted case of the petitioner that he had applied under the Unreserved Category. She submitted that the EWS certificate furnished/uploaded by the petitioner was not in the prescribed format.

13. Per contra, learned counsel for the review applicant, placing reliance upon the judgment of upon the decisions of the Hon'ble Supreme Court in Karnail Singh vs. State of Haryana and others, AIR 2024 SC 2694; Union Public Service Commission vs. Gaurav Singh and others (Civil Appeal No. 4152 of 2022 decided on 18.05.2022);

and decisions of Coordinate Benches of this Court in Rajat Yadav vs. State of U.P. (Writ-A No. 779 of 2023, decided on 06.07.2023), Kumari Soni Singh vs. State of U.P. and others (Writ-A No. 4139 of 2025, decided on 29.04.2025), and Renu vs. State of U.P. and others (Writ-A No. 21430 of 2022, decided on 31.07.2023), submitted that procedural technicalities should not override substantive justice and that an otherwise eligible candidate cannot be denied the benefit of reservation on hyper-technical grounds. She further submitted that due to a technical glitch in the computer application system, while filling up the original OnLine application form, the petitioner was shown under the Unreserved Category. According to the learned Counsel, the same was attributable to a system error, and the review applicant/petitioner ought not to suffer on that account.

14. Learned counsel for the State rebutted the aforesaid submissions and contended that several thousand candidates participated in the recruitment process and submitted their OnLine applications and that only the review applicant/petitioner has raised a grievance regarding alleged malfunctioning of the computer system of the Recruitment Board and such a plea, raised for the first time, cannot be readily accepted in the absence of any supporting material.

15. Perusal of the original record produced by the learned Chief Standing Counsel prima facie demonstrates that the missing page no. 16/17 of the application form uploaded by the petitioner/review applicant are very much present in the original record and are identical to running page 22 of the written instructions. Therefore, the contention of the learned counsel for the review petitioner that the instructions were manipulated with a view to mislead the Court and were incomplete appears to be misconceived. Admittedly, the petitioner had applied under the Unreserved Category and the EWS certificate uploaded by the petitioner was not in the prescribed format. As such, no prejudice appears to have been caused to the petitioner.

16. Even otherwise, the judgment sought to be reviewed was not founded solely upon the presence or absence of one page alone, but upon the overall pleadings, written instructions, conditions of the advertisement and submissions advanced by learned counsel for the parties. Therefore, the attempt of the review applicant to attribute the entire judgment to the alleged missing of page no.16 is misconceived.

17. Unless the error is manifest, self-evident and strikes one on mere

perusal of the record without requiring a process of reasoning, the same cannot be corrected in review proceedings. The plea regarding page no.16, being at best a matter requiring elaborate examination and factual adjudication, does not satisfy the settled parameters for review.

18. Accordingly, the contention founded on alleged missing/non-placement of page no. 16 is rejected and cannot be accepted as a valid ground to reopen the judgment under review.

19. In view of the aforesaid facts and circumstances, this Court finds that no error apparent on the face of the record exists so as to warrant interference with the judgment and order under review.

20. Accordingly, the present review application lacks merit and is hereby dismissed.

June 10, 2026
Madhu

(Karunesh Singh Pawar,J.)