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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of decision: 12th OCTOBER, 2026

IN THE MATTER OF:

\# **CNR No. DLHC010020192013**

\+ W.P.(C) 3684/2013

JUSTICE FOR ALL .....Petitioner

Through: Mr. Khagesh B. Jha, Advocate for the Petitioner/Review Petitioner.

versus

GOVT. OF NCT OF DELHI .....Respondent

Through:

CORAM:
HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD
HON'BLE MS. JUSTICE RENU BHATNAGAR

JUDGMENT (ORAL)

REVIEW PET. 487/2026 & CM APPL. 70841/2026

1. The present Review Petition under Section 114 read with Order XLVII Rule 1 of the CPC has been filed by the Petitioner/Review Petitioner seeking review of the Judgment dated 23.01.2026 passed by this Court in REVIEW PET. 475/2025 & CM APPL. 58009/2025 filed in the present Writ Petition being W.P.(C) 3684/2013.

2. Though ordinarily a review over a review is not maintainable in law, however, it is pertinent to mention that *vide* Order dated 12.12.2025, this Court had directed that REVIEW PET. 475/2025 would be treated as an application seeking modification of the Order dated 13.04.2023 passed by

this Court in the Writ Petition. *Vide* the said Order, this Court had also permitted the Petitioner to move an application seeking amendment in the prayer clauses of the Review Petition. In compliance of the said Order dated 12.12.2025, the Petitioner had moved an application being CM APPL. 80291/2025 seeking modification of the Review Petition, which was allowed *vide* Order dated 17.12.2025. *Vide* the said Order, the REVIEW PET. 475/2025 was also considered as an application seeking modification of the Order dated 13.04.2023, and Judgment was reserved by this Court.

3. Shorn of unnecessary details, the facts of the case reveal that the W.P.(C) 3684/2013 was filed by the Petitioner seeking implementation of the provisions of the Right of Children to Free and Compulsory Education Act, 2009 **[**hereinafter referred to as **'RTE Act']** and more particularly for ensuring the compliance of mandate of providing free books, uniforms and other study materials to the students admitted under Economically Weaker Section **[**hereinafter referred to as **'EWS']** and Disadvantaged Group Freeship Category **[**hereinafter referred to as **'DG']** of the Society, in aided and unaided recognized private schools of Delhi. During the pendency of the Writ Petition, various directions have been passed by this Court to ensure implementation of the RTE Act, and various contempt Orders have also been passed for non-compliance with the Orders.

4. On 13.04.2023, the Writ Petition was disposed of by this Court noticing that the Government is willing to provide textbooks and study materials to the students, however, this Court kept the Contempt Petition pending to see as to whether the Government is providing uniforms to the students or are they giving cash in lieu of the uniforms.

5. Material on record indicates that a Circular dated 14.03.2023 was

issued by the Directorate of Education stating that in compliance of the directions of this Court, the Directorate of Education has decided to provide writing materials (notebooks and stationery etc.) in kind with effect from the academic session 2023-24 to the children belonging to the EWS/DG category. The order indicated that with respect to providing uniforms in Government and Government-aided schools, the Directorate of Education has constituted a Committee to conduct a market study regarding the cost of the readymade uniforms and to make recommendations for a revision of existing rates, which was subject to the approval of the Finance Department and availability of sufficient funds.

6. On 30.09.2024, this Court recorded the submissions of the learned Standing Counsel for GNCTD that the GNCTD will positively start providing uniforms to all the students in all government-run schools in Delhi from the next academic session, at least one month in advance before the commencement of the next session, and so far as the textbooks and writing materials are concerned, it was stated that the same are being provided to all eligible students strictly in terms of the provisions of the RTE Act and the Rules framed thereunder.

7. Material on record further indicates that a new Policy was also framed on 10.06.2025. The new Policy indicates that the Government was of the opinion that provision for providing uniforms is a tedious and intensive process, which shall overburden the Department or school in the non-core activity. The tender process through Government E-Marketplace (GeM) is a time-taking process and usually takes approximately about six months. The uniform of each and every school is different and, therefore, the management of different types/varieties/colours of school uniforms is not

feasible and is becoming impossible for the Government.

8. The aforesaid Policy decision of the Government led to the filing of the Review Petition being REVIEW PET. 475/2025 by the Petitioner seeking review/modification of the Order dated 13.04.2023.

9. This Court perused the material, including the Note for Council of Ministers which brings out the recommendations of the Committee for revision of School uniforms and other materials, and after considering the material on record, this Court, *vide* the Judgment dated 23.01.2026, accepted the new Policy dated 10.06.2025 and modified the Order dated 13.04.2023 by directing the GNCTD to ensure that an adequate amount is provided to the students for uniforms in accordance with the Policy decision taken by the Government.

10. By way of the present Review Petition being REVIEW PET. 487/2026, the Petitioner seeks review of the Judgment dated 23.01.2026 passed by this Court.

11. In the present Review Petition, it is submitted by the learned Counsel for the Review Petitioner that an opportunity to file a reply was not given to the Review Petitioner. This Court does not agree with the said submission of the Review Petitioner for the reason that adequate time was given to the Review Petitioner after filing of the Review Petition. The learned Counsel for the Review Petitioner appeared and argued the matter in full and no time was sought to file any reply. The contention that the review petition was not heard is not correct.

12. It is further contended by the learned Counsel for the Review Petitioner that the Judgment dated 23.01.2026, which is under review, is contrary to the mandate of the Statute. The new Policy dated 10.06.2025 has

been accepted by this Court after finding that the mandate of the Statute is not being violated.

13. This Court is of the opinion that, by way of the present Review Petition, the learned Counsel for the Review Petitioner completely seeks to re-argue the matter. The parameters for a Court exercising its review jurisdiction are now well settled. The Apex Court in Haridas Das vs. Usha Rani Banik, (**2006) 4 SCC 78**, while considering the scope and ambit of Section 114 CPC read with Order XLVII Rule 1 CPC, observed as under:

> *"**14**. In Meera Bhanja v. Nirmala Kumari Choudhury [(1995) 1 SCC 170 : AIR 1995 SC 455] it was held that:*
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> > *"8. It is well settled that the review proceedings are not by way of an appeal and have to be strictly confined to the scope and ambit of Order 47 Rule 1 CPC. In connection with the limitation of the powers of the court under Order 47 Rule 1, while dealing with similar jurisdiction available to the High Court while seeking to review the orders under Article 226 of the Constitution, this Court, in Aribam Tuleshwar Sharma v. Aribam Pishak Sharma [(1979) 4 SCC 389 : AIR 1979 SC 1047] speaking through Chinnappa Reddy, J. has made the following pertinent observations:*
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> > > *'It is true there is nothing in Article 226 of the Constitution to preclude the High Court from exercising the power of review which inheres in every court of plenary jurisdiction to prevent miscarriage of justice or to correct grave and palpable errors committed by it. But, there are definitive limits to the exercise of the power of review. The power of review may be exercised on the discovery*

of new and important matter or evidence which, after the exercise of due diligence was not within the knowledge of the person seeking the review or could not be produced by him at the time when the order was made; it may be exercised where some mistake or error apparent on the face of the record is found, it may also be exercised on any analogous ground. But, it may not be exercised on the ground that the decision was erroneous on merits. That would be the province of a court of appeal. A power of review is not to be confused with appellate power which may enable an appellate court to correct all manner of errors committed by the subordinate court.' " (SCC pp. 172-73, para 8)

***15**. A perusal of Order 47 Rule 1 shows that review of a judgment or an order could be sought : (a) from the discovery of new and important matters or evidence which after the exercise of due diligence was not within the knowledge of the applicant; (b) such important matter or evidence could not be produced by the applicant at the time when the decree was passed or order made; and (c) on account of some mistake or error apparent on the face of the record or any other sufficient reason.*

***16**. In Aribam Tuleshwar Sharma v. Aribam Pishak Sharma [(1979) 4 SCC 389 : AIR 1979 SC 1047] this Court held that there are definite limits to the exercise of power of review. In that case, an application under Order 47 Rule 1 read with Section 151 of the Code was filed which was allowed and the order passed by the Judicial Commissioner was set aside and the writ petition was dismissed. On an appeal to this Court it was held as under : (SCC p. 390, para 3)*

> *"It is true as observed by this Court in Shivdeo Singh v. State of Punjab [AIR 1963 SC 1909] there is nothing in Article 226 of the Constitution to preclude a High Court from exercising the power of review which inheres in every court of plenary jurisdiction to prevent miscarriage of justice or to correct grave and palpable errors committed by it. But, there are definitive limits to the exercise of the power of review. The power of review may be exercised on the discovery of new and important matter or evidence which, after the exercise of due diligence was not within the knowledge of the person seeking the review or could not be produced by him at the time when the order was made; it may be exercised where some mistake or error apparent on the face of the record is found; it may also be exercised on any analogous ground. But, it may not be exercised on the ground that the decision was erroneous on merits. That would be the province of a court of appeal. A power of review is not to be confused with appellate powers which may enable an appellate court to correct all manner of errors committed by the subordinate court."*

***17**. The judgment in Aribam case [(1979) 4 SCC 389 : AIR 1979 SC 1047] has been followed in Meera Bhanja [(1995) 1 SCC 170 : AIR 1995 SC 455] . In that case, it has been reiterated that an error apparent on the face of the record for acquiring jurisdiction to review must be such an error which may strike one on a mere looking at the record and would not require any long-drawn process of reasoning. The following observations in connection with an error apparent on the face of the record in Satyanarayan Laxminarayan Hegde v. Millikarjun Bhavanappa Tirumale [(1960) 1 SCR 890 : AIR 1960 SC 137] were also noted : (AIR p.*

137)

> *"An error which has to be established by a long-drawn process of reasoning on points where there may conceivably be two opinions can hardly be said to be an error apparent on the face of the record. Where an alleged error is far from self-evident and if it can be established, it has to be established, by lengthy and complicated arguments, such an error cannot be cured by a writ of certiorari according to the rule governing the powers of the superior court to issue such a writ." (SCR pp. 901-02)*

***18**. It is also pertinent to mention the observations of this Court in Parsion Devi v. Sumitri Devi [(1997) 8 SCC 715] . Relying upon the judgments in Aribam [(1979) 4 SCC 389 : AIR 1979 SC 1047] and Meera Bhanja [(1995) 1 SCC 170 : AIR 1995 SC 455] it was observed as under : (SCC p. 719, para 9)*

> *"9. 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 of 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 a limited purpose and cannot be allowed to be 'an appeal in disguise'."*

14. In State of West Bengal vs. Kamal Sengupta, **(2008) 8 SCC 612**, the Apex Court has considered as to what exactly can be said to be a '*mistake or*

error apparent on the face of record' and has held as under:

> "***35**. The principles which can be culled out from the abovenoted judgments are:*
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> *(i) The power of the Tribunal to review its order/decision under Section 22(3)(f) of the Act is akin/analogous to the power of a civil court under Section 114 read with Order 47 Rule 1 CPC.*
>
> *(ii) The Tribunal can review its decision on either of the grounds enumerated in Order 47 Rule 1 and not otherwise.*
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> *(iii) The expression "any other sufficient reason" appearing in Order 47 Rule 1 has to be interpreted in the light of other specified grounds.*
>
> *(iv) An error which is not self-evident and which can be discovered by a long process of reasoning, cannot be treated as an error apparent on the face of record justifying exercise of power under Section 22(3)(f).*
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> *(v) An erroneous order/decision cannot be corrected in the guise of exercise of power of review.*
>
> *(vi) A decision/order cannot be reviewed under Section 22(3)(f) on the basis of subsequent decision/judgment of a coordinate or larger Bench of the tribunal or of a superior court.*
>
> *(vii) While considering an application for review, the tribunal must confine its adjudication with reference to material which was available at the time of initial decision. The happening of some subsequent event or development cannot be taken note of for declaring the initial order/decision as vitiated by an error apparent.*
>
> *(viii) Mere discovery of new or important matter or*

> *evidence is not sufficient ground for review. The party seeking review has also to show that such matter or evidence was not within its knowledge and even after the exercise of due diligence, the same could not be produced before the court/tribunal earlier."*

15. This Court is of the opinion that the grounds that have been raised in the present Review Petition are primarily an attempt to re-argue the case in its entirety, which is outside the scope of a Review Petition. It is well settled that the Courts do not interfere with a Policy decision, unless the same is so arbitrary, whimsical and capricious that it shocks the conscience of the Courts. The decision of the Government that it shall provide cash to the students instead of providing uniforms because of the difficulties faced by the Government cannot be said to be completely arbitrary, whimsical or capricious.

16. The contention that the policy is contrary to the Statute was argued in the Court at the time of hearing of the application for modification which was heard by this Court in the Review Petition which was re-numbered as an application for modification. These contentions were considered. The relevant Statute was looked into and this Court was of the opinion that the new policy is not contrary to the scheme of the Act. The Review Petition herein is once again agitating the very same arguments raised at the time of hearing.

17. This Court does not find any error apparent on the face of record or that this Court has omitted to consider any material that was placed before the Court. All the materials provided by the GNCTD, including the new Policy dated 10.06.2025 and Note for Council of Ministers, have been considered by this Court before coming to the decision that the Policy dated

10.06.2025 is not against the mandate of the Statute.

18. With these observations, the Review Petition is dismissed, along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

RENU BHATNAGAR, J

OCTOBER 12, 2026
S. Zakir