



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

S.B. Writ Miscellaneous Application No. 308/2025
CNR: RJHC020569042025 | URN: WMAP / 573U / 2025
In

S.B. Civil Writ Petition No.9429/2025

Kamlesh Kumar Saini S/o Shri Peerulal Saini, Aged About 42
Years, R/o Ward No. 1, Chidiyon Ki Badi, Tonk Rajasthan.

-----Petitioner

Versus

- 1 State of Rajasthan, Through Principal Secretary, Rural Development And Panchayati Raj Department, Government Of Rajasthan, Government Secretariat, Jaipur.
- 2 Zila Parishad Tonk, Through Additional District Program Coordinator Cum Chief Executive Officer
- 3 Program Officer (Egs) Cum Development Officer, Panchayti Samiti Tonk, District Tonk.

-----Respondents

For Petitioner(s)	:	Mr. Laxmi Kant Malpura
For Respondent(s)	:	Ms. Divya Rathore Ms. Anjali Ranga for Mr. Kapil Prakash Mathur

HON'BLE MR. JUSTICE SUDESH BANSAL

Order

17/08/2026

1. Instant Civil Miscellaneous Application under Article 226 of the Constitution of India has been filed, seeking to recall/review the order dated 01.07.2025, whereby & whereunder the S.B. Civil Writ Petition No.9429/2025 filed by petitioner was dismissed with cost of Rs.10,000/-.
2. Counsel for petitioner submits that appointment of petitioner on the post of Assistant in MGNREGA Scheme was made under the Rajasthan Contractual Hiring to Civil Posts Rules, 2022 (for short, 'the Rules of 2022'), but since no such order was enclosed with



the writ petition, the writ petition was dismissed on this ground. Learned counsel further submits that challenge in the writ petition was made to the transfer of petitioner from Panchayat Samiti Tonk to Panchayat Samiti Uniara within District Tonk.

3. Counsel for petitioner submits that the document of appointment order dated 28.03.2023 of petitioner under the Rules of 2022 could not be enclosed with the writ petition since same was not provided by the petitioner, however, same has been enclosed with the application as Annx.A-1, hence, in that view, the order dated 01.07.2025 may be recalled/reviewed.

4. Counsel for petitioner further submits that since petitioner has joined at the transferred place in Panchayat Samiti Uniara in District Tonk and does not press the prayer made in the writ petition, hence, by allowing to recall the order dated 01.07.2025, writ petition may be dismissed as not press.

5. Notices of this application was issued to the respondents.

6. On behalf of respondents, counsel has put in appearance and do not want to file reply.

7. In respect of exercising powers of review by the Court, the Hon'ble Supreme Court in case of **Kamlesh Verma v. Mayawati [(2013) 8 SCC 320]**, which has been relied upon in case of **Neethu B. v. Rajesh Kumar [(2025) 10 SCC 436]**, laid down the proposition of law and summarized the principles as to when the review application can be held maintainable or when the review application will not be maintainable, as hereunder:-

"14. Review of the earlier order cannot be done unless the court is satisfied that material error, manifest on the face of the order, undermines its soundness or results in



*miscarriage of justice. This Court in **Col. Avtar Singh Sekhon v. Union of India [1981 SCC (L&S) 381]** held as under:*

"12. A review is not a routine procedure. Here we resolved to hear Shri Kapil at length to remove any feeling that the party has been hurt without being heard. But we cannot review our earlier order unless satisfied that material error, manifest on the face of the order, undermines its soundness or results in miscarriage of justice....."

Summary of the principles

20. Thus, in view of the above, the following grounds of review are maintainable as stipulated by the statute:

20.1. When the review will be maintainable:

(i) Discovery of new and important matter or evidence which, after the exercise of due diligence, was not within knowledge of the petitioner or could not be produced by him;

(ii) Mistake or error apparent on the face of the record;

(iii) Any other sufficient reason."

8. The error on the part of petitioner in not placing on record the copy of his appointment order dated 28.03.2023 appears to be inadvertent error and on that count, there appears an error apparent on the face of record in the order, hence, on this ground, the order dated 01.07.2025 deserves to be recalled/reviewed.

9. Hence, the order dated 01.07.2025 is hereby recalled. However, since counsel for petitioner does not want to pursue the writ petition on merits, hence, writ petition need not to be listed before the Court and stands dismissed as not press.

10. All pending application(s), if any, stand(s) disposed of.

11. A copy of this order be placed in the writ file as well.

(SUDESH BANSAL),J