

IN THE HIGH COURT OF ORISSA AT CUTTACK

FAO No. 590 of 2015 & Batch

FAO No.590 of 2015

State of Odisha and another ***Appellants***

Mr. Arnav Behera, A.S.C. for the State

-versus-

Ajaya Kumar Sethi and another ***Respondents***

M/s. R. Samal, Advocate & Associates

FAO No.591 of 2015

State of Odisha and another ***Appellants***

Mr. Arnav Behera, A.S.C. for the State

-versus-

Jayashree Sahoo and another ***Respondents***

M/s. P. Chuli, Advocate & Associates

FAO No.239 of 2016

State of Odisha and another ***Appellants***

Mr. Arnav Behera, A.S.C. for the State

-versus-

Umarani Mohapatra and another ***Respondents***

M/s. G.C. Panda, Advocate & Associates

FAO No.259 of 2016

State of Odisha and another ***Appellants***

Mr. Arnav Behera, A.S.C. for the State

-versus-

Hrushikesh Sahu and others ***Respondents***

M/s. P.K. Bhuyan, Advocate & Associates

FAO No.372 of 2017

State of Odisha and another ***Appellants***

Mr. Arnav Behera, A.S.C. for the State

-versus-

Laxmiprava Mishra and another ***Respondents***

M/s. S.N. Sharma, Advocate & Associates

FAO No.215 of 2018

State of Odisha and another ***Appellants***

Mr. Arnav Behera, A.S.C. for the State

-versus-

Bankanidhi Rout and another

Respondents

M/s. P.K. Mohanty, Advocate & Associates

FAO No.261 of 2018

Md. Soyeb Akhtar ***Appellant***

M/s. S.K. Samal, Advocate & Associates

-versus-

State of Odisha and others

Respondents

Mr. Arnav Behera, A.S.C. for the State

FAO No.271 of 2017

State of Odisha and another ***Appellants***

Mr. Arnav Behera, A.S.C. for the State

-versus-

Saroja Kumar Biswal and another

Respondents

M/s. A.K. Das, Advocate & Associates

FAO No.286 of 2018

State of Odisha and another ***Appellants***

Mr. Arnav Behera, A.S.C. for the State

-versus-

Sumanta Kumar Jena and another

Respondents

M/s. S. Samal, Advocate & Associates

FAO No.287 of 2018

State of Odisha and another ***Appellants***

Mr. Arnav Behera, A.S.C. for the State

-versus-

Meena Mohanta and another

Respondents

M/s. R.P. Dalai, Advocate & Associates

FAO No.421 of 2018

State of Odisha and another ***Appellants***

Mr. Arnab Behera, A.S.C. for the State

-versus-

Ashish Kumar Ray and another ***Respondents***

M/s. R.P. Dalai, Advocate & Associates

FAO No.423 of 2018

State of Odisha and another ***Appellants***

Mr. Arnab Behera, A.S.C. for the State

-versus-

Saraswati Mohapatra and another ***Respondents***

M/s. B. Parida, Advocate & Associates

FAO No.449 of 2018

State of Odisha and another ***Appellants***

Mr. Arnab Behera, ASC for the State

-versus-

Subash Chandra Nayak and another ***Respondents***

M/s. S. Samal, Advocate & Associates

FAO No.450 of 2018

State of Odisha and another ***Appellants***

Mr. Arnab Behera, ASC for the State

-versus-

Pradip Kumar Nayak and others ***Respondents***

M/s. S.N. Sharma, Advocate & Associates

FAO No.456 of 2018

State of Odisha and another ***Appellants***

Mr. Arnab Behera, ASC for the State

-versus-

Pranab Kumar Swain and another ***Respondents***

M/s. K.K. Swain, Advocate & Associates

FAO No.458 of 2018

State of Odisha and another ***Appellants***

Mr. Arnab Behera, ASC for the State
-versus-

Ashok Kumar Sahoo and another ***Respondents***

M/s. S. Pattanaik, Advocate & Associates

FAO No.467 of 2018

State of Odisha and another ***Appellants***

Mr. Arnab Behera, ASC for the State
-versus-

Bidyadhar Dhal and others ***Respondents***

M/s. R.P. Dalai, Advocate & Associates

FAO No.477 of 2018

Sushanta Kumar Patel ***Appellant***

M/s. B. Parida, Advocate & Associates
-versus-

State of Odisha and others ***Respondents***

Mr. Arnab Behera, ASC for the State

FAO No.675 of 2018

Ramesh Kumar @ Chandra Sahoo and others ***Appellants***

M/s. Sangram Jena, Advocate & Associates
-versus-

State of Odisha and others ***Respondents***

Mr. Arnab Behera, ASC for the State

FAO No.291 of 2019

State of Odisha and another ***Appellants***

Mr. Arnab Behera, ASC for the State
-versus-

Dillip Kumar Mallick and another ***Respondents***

M/s. S.C. Nath, Advocate & Associates

FAO No.375 of 2019

State of Odisha and another

....

Appellants

Mr. Arnav Behera, ASC for the State

-versus-

Bijita Mohanty and another

....

Respondents

M/s. M.K. Sahoo, Advocate & Associates

CORAM:

THE CHIEF JUSTICE

ORDER

27.06.2023

Order No.

I.A. Nos.1413, 1347, 1237, 1527, 1422, 1245, 1416, 1467, 1356, 1415, 1421, 1296, 1212, 1426, 1229, 1476, 1418, 1437, 1375 of 2019, I.A. No.313 of 2023, I.A. No.1374 of 2019

12. 1. In view of the judgment dated 25th February, 2021 in ***State of Odisha v. Bichitrnanda Mohapatra 2021 (I) OLR- 664*** the orders in question passed in the respective FAOs are hereby recalled and the corresponding FAOs are restored to file. The I.As. are accordingly disposed of.

I.A. No.1428 of 2019

2. In view of the order passed in I.A. No.1422 of 2019 arising out of FAO No.372 of 2017, allowing the application for recalling the impugned order, this application recalling of the said order is accordingly disposed of.

FAO Nos.590 and 591 of 2015, FAO Nos.239, 259 of 2016, FAO Nos.372 of 2017, FAO Nos.215, 261, 271, 286, 287, 421, 423, 449, 450, 456, 458, 467, 477, 675 of 2018, FAO Nos.291, 375 of 2019

2. Issue Notice. Respective learned counsels accept notice for Respondent No.1 in all the FAOs. Notice will now be issued to the remaining Respondents including the respective Governing Bodies through Registered/Speed Post with A.D., making it returnable before

the next date. Requisites for which shall be filed within three working days.

3. Copies of the aforementioned FAOs be served on learned counsel for the respective Respondent No.1 within three days. It is pointed out by learned counsel for the State that all these appeals required to be allowed in view of the judgments of the Supreme Court of India in ***State of Odisha v. Anup Kumar Senapati (2019) 19 SCC 626***, judgment dated 29th October, 2021 of the Division Bench of this Court in W.A. No.401 of 2021 (***Secretary, Government of Odisha v. Jashobanta Baral***) and the judgment of the learned Single Judge dated 7th February, 2023 in FAO No.659 of 2014 (***State of Odisha v. Minaketan Behera***).

4. Learned counsel for the respective parties shall examine the above judgments and make submissions on the next date.

5. List along with FAO No.491 of 2019 on 17th July, 2023.

(Dr. S. Muralidhar)
Chief Justice

S. Behera