

IN THE HIGH COURT OF ORISSA AT CUTTACK

FAO No. 382 of 2018

State of Orissa and another *Appellants*

Mr. Arnav Behera, ASC

-versus-

Dillip Kumar Sahu and another *Respondents*

M/s. P. K. Mohanty and associates,
Advocates for Respondent No.1

**CORAM:
THE CHIEF JUSTICE**

ORDER
05.07.2023

Order No.

I.A. No.1242 of 2019

03. 1. In view of the judgment dated 25th February, 2021 in *State of Odisha v. Bichitrananda Mohapatra 2021 (I) OLR- 664*, the order in question passed in the FAO is hereby recalled and the corresponding FAO is restored to file. The I.A. is accordingly disposed of.

FAO No.382 of 2018

2. Notice to Respondent No.2 be issued by Speed/Registered Post with A.D., making it returnable before the next date. Requisites be filed within three working days. The tracking report be placed on record before the next date.

3. It is pointed out that the present appeal is 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 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.

M. Panda

