

IN THE HIGH COURT OF ORISSA AT CUTTACK

FAO No. 410 of 2019

State of Orissa and another *Appellants*
Mr. S. K. Samal, AGA
-versus-

Manasi Behera and another *Respondents*
M/s. S. Patra-1 and associates, Advocates for Respondent 1

**CORAM:
THE CHIEF JUSTICE**

ORDER
11.07.2023

Order No.

I.A. No.134 of 2021

03. 1. For the reasons started therein, the application for condonation of delay in filing the recall application is allowed.

I.A. No.135 of 2021

2. In view of the judgment dated 25th February, 2021 in *State of Odisha v. Bichitrnanda 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.410 of 2019

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.

(Dr. S. Muralidhar)
Chief Justice

M. Panda

