

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.38819 of 2023

Baikuli Samal & others

Petitioners

....
Mr.Sridhar Rath, Advocate

-versus-

State of Odisha and others

.... ***Opposite Parties***
Mr.N.K.Praharaj, A.G.A.

**CORAM:
JUSTICE A.K.MOHAPATRA**

Order No.

**ORDER
04.12.2023**

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner and the learned Additional Government Advocate.
3. Learned Additional Government Advocate shall obtain instruction as to how the present case is different from the facts of the case before the Hon'ble Supreme Court (State of Odisha & others-v.-Nityananda Panigrahi) in SLP(Civil) No.7121 of 2020 which was disposed of on 09.09.2021. In addition to that the Opposite Party no.1 shall file an affidavit as to under what circumstances and on what basis he has written the following lines in his order dated 13.09.2023 under annexure-12.

“ It is the settled principle of law that a wrong benefit once extended to a person on mere technical consideration cannot be allowed to be perpetuated in case of other persons on such ground.”

4. List this matter next week as prayed for by the learned Additional Government Advocate.
5. A free copy of this order be supplied to the learned Additional Government Advocate.

(A.K. Mohapatra)
Judge

RKS

