

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.935 of 2021

Bibekananda Mishra

....

Petitioner

Mr.P.C.Acharya, Advocate

-versus-

State of Odisha & others

....

Opp.Parties

Mr.P.C.Das, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

02.08.2022

Order No.

05. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard Sri P.C.Acharya, learned counsel for the Petitioner and learned Additional Standing Counsel for the State. Perused the records.
3. It is submitted by the learned counsel for the Petitioner that the benefit claimed in the present writ application has been allowed by the authority in many similar cases. Further, it is contended that while disposing of the representation of the Petitioner by rejecting the same, the authorities have not taken into consideration the judgment of this Court which was confirmed by the Hon'ble Supreme Court of India in the case of **State of Orissa and others-vrs. Biharilal Barik in W.P.(C) No.2831 of 2016** and that in such view of the matter, learned counsel for the Petitioner submits that the entire approach of the authorities in rejecting the claim of the Petitioner is erroneous. In such view of the matter, he further submits that let the impugned order be set aside and the matter be remitted

back to the authority to reconsider the same in the light of the law laid down by this Court which was confirmed by the Hon'ble Supreme Court and by further taking into consideration the fact that many similarly situated persons have been extended such benefit.

3. Learned counsel for the State has no objection if the matter is remanded to the authority to consider in the light of the aforesaid judgment within a stipulated time.

4. Considering such submission and taking into consideration the entirety of the case and keeping in view the law laid down by this Court which was confirmed by the Hon'ble Supreme Court of India in the case of **Biharilal Barik (supra)** this Court deems it proper to set aside the order under Annexure-6 and the same is hereby set aside. Further it is directed that let the Opposite Party No.1 reconsider the matter in the light of the law laid down in the case of **State of Odisha –vrs.-Biharilal Barik**. Moreover, it is open for the Petitioner to take any additional ground and submit all supporting documents before the Opposite Party No.1 within four weeks from today. In the event such an application is filed along with additional documents and evidence, the same shall be considered and disposed of within a period of eight weeks from today by passing a reasoned and speaking order.

5. With the aforesaid observation, the writ application stands disposed of.

6. Issue urgent certified copy of this order as per Rules.

(**A.K. Mohapatra**)
Judge

