

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.4105 of 2022

Himansu Bhusan Mahakud ***Petitioner***
Mr. Subhransu Bhusan Mohanty,
Advocate

-versus-

State of Odisha & others ***Opposite Parties***
Mr. Y.S.P.Babu, A.G.A.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

21.03.2022

Order No.

01.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner and learned Additional Government Advocate.
3. Perused the records.
4. A bare reading of the impugned order dated 12.08.2021 under Annexue-7 it is seen that the impugned order has been passed simply rejecting the RAS application of the Petitioner. However, the authority has not given any reasoned order whatsoever. It is needless to mention here that the authority while considering the application has not considered the case of the Petitioner in accordance with the provisions of the Rules. However, from the impugned order, it is found that nothing has been mentioned, only simply by referring to a paragraph of Notification dated 17.02.2020 the application has been rejected in an arbitrary manner. The impugned order under Annexue-7 is hereby set aside. The matter is remanded back to the authority to consider the Petitioner's representation in accordance with law.

5. It is further submitted by the learned counsel for the Petitioner that the case of the Petitioner is covered by the two judgments of the Hon'ble Supreme court reported in (2020) 2 Supreme Court Cases 729 (Indian Bank and others v. Promila and another) and The State of Madhya Pradesh & Ors v. Ashish Awasthi reported in 2021(II) OLR (SC) 1072. Learned counsel for the State on the other hand does not have any objection if a direction is given to the authority to consider the case of the Petitioner in the light of the judgment of the Supreme Court on the subject matter involved in the present writ application.

6. Considering the submissions of the parties, this Court directs the Opposite Party No.1 to consider the case of the Petitioner afresh as directed hereinabove in the light of the judgments referred to herein above within a period of three months from today. It is open for the Petitioner to approach the authority along with the certified copy of this order and is at liberty to file documents in support of his case. Any decision taken in the matter shall be communicated to the Petitioner within a period of two weeks thereafter.

7. With the aforesaid observation, the writ application is disposed of.

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

RKS

(*A.K. Mohapatra*)
Judge