

IN THE HIGH COURT OF ORISSA AT CUTTACK

RVWPET No.213 of 2020

***Managing Committee, Kamala
Arjun College, Gandibed,
Balasore***

.... ***Petitioner***
Mr. S.P. Mishra, Sr. Advocate

-versus-

State of Odisha and others

.... ***Opp. Parties***
Mr. S.N. Das, ASC

**CORAM:
THE CHIEF JUSTICE
JUSTICE R.K.PATTANAIK**

**ORDER
12.04.2022**

Order No.

I.A. No.375 of 2020

05. 1. This is an application for condonation of delay in filing the petition.
2. Considering the grounds taken, the application for condonation of delay is condoned.

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3. This Court heard the submission of Mr. S.P. Mishra, learned Senior counsel for the Petitioner.
4. The review is sought of the order dated 5th November, 2019 by which Writ Appeal No.264 of 2017 filed by the present Appellant was dismissed in limine. The said appeal challenged an order dated 15th July, 2017 passed by the learned Single Judge in W.P.(C) No.9449 of 2017.
5. The prayer in the writ petition was for according permission to the college of the Petitioner from the Session 1985-1986 onwards and to quash the decision of the High Power Committee rejecting the proposal of the Appellant College for recognition of its +2 Arts wing.

6. The learned Single Judge appears to have proceeded on the basis that the Appellant was seeking approval with retrospective effect from 1985-86 and then observed that nothing was placed on record to show that the College was in existence as of that date. In the appellate order under review the Division Bench appears to have proceeded on the same basis viz., that there was no document to show that the College existed as of 1985-86.

7. Mr. Mishra has drawn attention of the Court to a letter dated 8th January, 1986 written by the Directorate of Higher Education to the College raising queries with regard to its letter dated 18th September, 1985. Mr. Mishra states that the said document formed part of the record before the learned Single Judge.

8. It would thus appear that despite the above document being part of record it was not taken note by the Division Bench while dismissing the appeal. This being an error apparent on the face of record, the order dated 5th November 2019 passed by the Division Bench dismissing W.A. No.264 of 2017 is hereby recalled and the said Writ Appeal is restored to file.

9. The RVEPET is accordingly disposed of.

10. List W.A. No.264 of 2017 before the roster Bench on 12th May, 2022.

(Dr. S. Muralidhar)
Chief Justice

(R.K. Pattanaik)
Judge