

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No.34 of 2016

Narayan Grahacharya and others* *Appellants

Mr. S. K. Mishra, Advocate

-versus-

Rama Chandra Behera and others* *Respondents

Mr. Debakanta Mohanty, AGA and

M/s. G. M. Rath and associates, Advocates for Respondent No.1

CORAM:

THE CHIEF JUSTICE

JUSTICE CHITTARANJAN DASH

ORDER

28.09.2022

Order No.

04

1. The only grievance in the present appeal is that while remanding the matter to the Appellate authority, learned Single Judge has in the impugned order dated 11th December, 2015 referred to the Notification dated 18th December, 2002 including the caste of Dewar, Dhibara, Keuta and Kaibarta as part of the Schedule Castes and observed that the said amendment would have “retrospective effect”. It is submitted that this observation will hurt the present Appellant since the question whether the said amendment would be prospective or retrospective, it is not a settled one.

2. Considering that the learned Single Judge was simply remanding the matter to the Appellate Authority for a fresh consideration, there was no occasion to observe on the prospectivity or retrospectivity of the Notification dated 18th December, 2002. That has to be considered by the Appellate Authority independently.

3. Consequently, while clarifying that the above observations in the impugned order of the learned Single Judge concerning the ‘retrospectivity’ of the Notification dated 18th December, 2002 would not influence the decision of the Appellate Authority on remand, the appeal is disposed of. The interim order passed earlier stands vacated.

(Dr. S. Muralidhar)
Chief Justice

(Chittaranjan Dash)
Judge

M. Panda

