

ORISSA HIGH COURT: CUTTACK

W.P.(C) NO. 12033 OF 2014

In the matter of an application under Articles 226 and 227 of the Constitution of India.

AFR

Rupanwita Panda Petitioner

-Versus-

State of Orissa
and others Opp. Parties

For Petitioner : Mr. Manoj Kumar Mishra,
Sr. Advocate along with
Mr. S. Senapati, Advocate.

For Opp. Parties : Mr. A.K. Mishra,
Addl. Government Advocate
[O.Ps. 1 & 2]

Mr. Lalitendu Mishra.
Advocate [O.Ps. 3 & 4]

M/s. P.K. Mishra and
S.K. Dash, Advocates
[O.P. 5]

P R E S E N T:

**THE HONOURABLE DR. JUSTICE B.R.SARANGI
AND
THE HON'BLE MISS JUSTICE SAVITRI RATHO**

Date of hearing & judgment: 17.05.2022

DR. B.R. SARANGI, J. The petitioner, who was opposite party no.5 in O.A. No. 669 of 2010, which was filed by the present opposite party no.5 before Orissa Administrative Tribunal, Bhubaneswar, has filed this writ petition seeking to quash the order dated 02.05.2014 passed by the tribunal under Annexure-11 to the writ petition and also the consequential gradation list prepared and communicated vide letter dated 03.06.2014 under Annexure-12 to the writ petition. The petitioner also seeks direction to the State-opposite parties to fix her seniority over and above present opposite party no.5, who was the applicant before the tribunal, as was before.

2. The factual matrix of the case, in brief, is that in the year 1989 names of the petitioner, opposite party no.5 and others were sponsored by the employment exchange for appointment in the post of Junior Coach in different disciplines under the Directorate of Sports. After following due procedure of selection, the petitioner was appointed as a Junior Coach in the discipline of Athletics and opposite party No.5 was appointed as Junior Coach in the discipline of Volleyball. One Rashmيرانjan

Samantray was appointed as Junior Coach in the discipline of Basketball. The petitioner, opposite party no.5 and Rashmiranjan Samantaray were appointed, vide order dated 27.09.1989, and opposite party No.5 was shown junior to the petitioner.

2.1 After getting the order of appointment, the petitioner joined in her post and continued as such without any interruption. While she was so continuing, the petitioner got an offer from Sports Authority of India (in short "SAI"), vide order dated 17.09.1992, to join as Athletic Coach. Consequentially, the petitioner was relieved by the Director of Sports with effect from 16.09.1992 to join as coach in Regional Office, SAI. On reporting before the Regional Director, SAI, the petitioner was directed to join as a coach in SAI at Cuttack. Due to some personal problem, the petitioner preferred not to join as coach in SAI at Cuttack. Instead, on 19.09.1992, she requested the Director, Sports & Youth Services- opposite party no.2 to allow her to re-join as a Junior Coach and treat the period of her absence as leave,

besides requesting the SAI authorities to cancel their order dated 17.09.1992.

2.2 Considering the grievance of the petitioner, the Director, Sports & Youth Services, vide order dated 21.09.1992, permitted the petitioner to re-join in the post of Junior Coach, Athletics and, vide letter dated 22.09.1992, intimated this fact to the Regional Director, SAI requesting him to recall the order dated 17.09.1992, by which the petitioner was directed to resume the duty of Athletic Coach at SAI, Cuttack. The Director, vide order dated 23.12.1992, allowed the period of absence of the petitioner from 17.09.1992 to 21.09.1992 as earned leave and regularized the said period. Present opposite party no.5 had not objected, when the petitioner was placed above him at the time of her appointment and also the re-joining of the petitioner on 22.09.1992 as Junior Coach under the Directorate of Sports, Orissa. As such, the petitioner continued without any interruption.

2.3 After lapse of 9 years, i.e., in the year 2001, in order to maintain the *inter se* seniority among the Junior

Coaches in the Directorate of Sports, a provisional gradation list was published and it was also communicated to all Junior Coaches appointed in the Directorate, including opposite party no.5, vide letter dated 12.02.2001, inviting objection if any to the said provisional gradation list within 30 days from the date of its issuance. In the said provisional gradation list dated 12.02.2001, the petitioner was shown to be senior to opposite party no.5 and, as such, the name of the petitioner was found place at sl. no.32, whereas the name of opposite party no.5 was found place at sl. no. 33. Opposite party no.5 accepted the said position in the gradation list and did not file any objection to the said provisional gradation list. Finally, after considering the objections filed by some of the Junior Coaches, the final gradation list was published and communicated to all Junior Coaches on 02.05.2001. In the said final gradation list, the name of the petitioner was shown at sl. no. 32 and opposite party no.5 was placed below the petitioner at sl. No. 33. At that stage also, opposite party no.5 never objected the fixation of seniority in the gradation list.

2.4 Due to retirement of some of the Junior Coaches and leaving of jobs by some Coaches, in the year 2006 another provisional gradation list was communicated to all the Junior Coaches, vide letter dated 24.10.2006, inviting objections if any within 30 days. In the said provisional gradation list dated 24.10.2006, the name of the petitioner was shown above opposite party no.5. At this stage, opposite party no.5 submitted his representation raising the objection relating to his seniority in the gradation list as well as the acceptance of the re-joining report of the petitioner, which had already reached its finality in the year 2001, when the provisional gradation list was published. Consequentially, the authorities rejected the representation filed by opposite party no.5 and published the final gradation list on 15.01.2007, which was also communicated to opposite party no.5.

2.5 After publication of the final gradation list on 15.01.2007, opposite party no.5 made an objection before the Director for reconsideration of his case. The Assistant

Director, vide his letter dated 19.02.2008, informed opposite party no.5 that his representation deserved no consideration since the final gradation list had already been published vide office order dated 15.01.2007. On receipt of the letter dated 19.02.2008 from the authority, the petitioner preferred an appeal to the appellate authority, i.e. opposite party no.1 for consideration of his grievance. But the appellate authority, without issuing any notice to the petitioner, vide order dated 23.06.2008, directed the Director to prepare the gradation list keeping in view the leaving of service by the petitioner as per the existing provision of the service rules. As this fact came to the knowledge of the petitioner, the petitioner made a representation before the authority, who had passed the order on 23.06.2008 claiming her seniority. On receipt of the representation of the petitioner, opposite party no.1, after conducting the inquiry, vide order dated 17.10.2008 directed the Director for disposal of the representation of the petitioner stating inter alia that there is no fault on the part of the petitioner. Therefore, after passing the

order dated 17.10.2008, the competent authority did not make any change in the final gradation list.

2.6 Challenging the final gradation list dated 15.01.2007, opposite part no.5 filed O.A. No. 669 of 2010 before the Orissa Administrative Tribunal, Bhubaneswar seeking direction to opposite party no.2 to declare the opposite party no.5 as senior to the petitioner in the rank of Junior Coach by recasting the gradation list in accordance with the instruction dated 23.06.2008. To the said Original Application, counter affidavit was filed by the State opposite parties stating inter alia that the order sanctioning leave of the petitioner had been passed since 1992 and the gradation list had been prepared since the year 2001 following due procedure, wherein the petitioner was shown senior to the opposite party no.5 and the gradation list had attained its finality. It was further asserted that there was no change in the gradation list prepared in the year 2001 and the said list was published as provisional gradation list in the year 2006 for deletion and addition of names. The order dated 17.10.2008 had also been filed, along with the counter affidavit, stating

that opposite party no.1, after conducting due inquiry, had directed the Director for disposal of the representation of the petitioner, stating inter alia that there was no fault on the part of the petitioner. But the tribunal, without considering the fact of preparation of gradation list in the year 2001 and order dated 17.10.2008, disposed of the original application, vide order dated 02.05.2014 under Annexure-11, observing that opposite party no.2, who is the competent authority, is to carry out the order of the appellate authority dated 23.06.2008 and accordingly directed for correction of final gradation list.

3. Mr. S. Senapati, learned counsel for the petitioner vehemently contended that in the year 2001 the final gradation list was prepared and published in compliance of all the procedures and the same was communicated to all the Junior Coaches, including the opposite party no.5. The same had reached its finality and at no point of time, more particularly, at the stage of publication of provisional gradation list which was

communicated to all the Junior Coaches and or at the stage of publication of final gradation list on 02.05.2001, opposite party no.5 had raised any objection or challenged the same. As such, the same having reached finality, is binding on all the Junior Coaches, including opposite party no.5. After lapse of 6 years of publication of final gradation list, when the next provisional gradation list was published in the year 2006 for deletion and inclusion of names, opposite party no.5 cannot assail the same, as he is estopped to do so. Thereby, at his behest, challenge to the placement in the final gradation list cannot be made. The fact, that the petitioner is senior to opposite party no.5, was never objected to by him (opposite party no.5). As such, for the conduct of opposite party no.5, if at all he had got any right, the same has been waived and the present claim for his seniority over and above the petitioner, is hit by doctrine of *waiver*, *acquiescence* and *estoppel*. It is further contended that the tribunal has not taken into consideration the materials placed before it in proper perspective and, as such, the order impugned cannot sustain in the eye of

law. It is also contended that as the seniority of the petitioner had already been fixed since the date of her appointment over and above opposite party no.5, even after rejoining in the service in the year 1992 treating the period of absence as earned leave, and consequentially her seniority was fixed in the year 2001, after inviting objection from all the Junior Coaches, including opposite party no.5, and final gradation list was published on 02.05.2001, it is binding on all the Junior Coaches, including opposite party no.5. Therefore, after lapses of six years, opposite party no.5 cannot challenge the seniority of the petitioner, when the next provisional gradation list was published and had reached its finality in the year 2001.

3.1 It is further contended that the tribunal, relying upon the order of the appellate authority dated 23.06.2008, which had been passed without giving opportunity of hearing to the petitioner, directed for re-fixation of seniority. The same cannot sustain in the eye of law and, thereby, the tribunal has committed gross

error apparent on the face of the record, while passing the order impugned, as the order of the appellate authority suffers from vice of non-compliance of principle natural justice. Therefore, he seeks for quashing of the order dated 02.05.2014 passed by the tribunal in O.A. No. 669 of 2010 under Annexure-11 and the consequential gradation list communicated under Annexure-12.

4. Mr. Amiya Kumar Mishra, learned Additional Government Advocate appearing for opposite party nos. 1 and 2 contended that with regard to fixation of seniority in the final gradation list dated 15.01.2007 by the Director of Sports, a representation was filed by the opposite party no.5 before opposite party no.1, who directed the Director-opposite party no.2 to dispose of the said representation and for doing so views of the opposite party no.1 were supplied to opposite party no.2, vide letter dated 23.06.2008. The opposite party no.1 received a letter dated 13.08.2008 from the Director-opposite party no.2, along with representation filed by the petitioner. He re-examined the stand taken by the Director-opposite

party no.2 and accordingly issued necessary direction to him, vide order dated 17.10.2008. The subsequent developments taken place in this matter were not taken note of by the tribunal and accordingly, the order impugned was passed on 02.05.2014, which was binding on opposite party no.1. As a result thereof, the fresh gradation list was published on 03.06.2014. The fresh gradation list, which was prepared by opposite party no.1 on 03.06.2014 was in compliance of the order of the tribunal passed on 02.05.2014, but the same has not been given effect to pursuant to the interim order passed by this Court on 30.07.2014 in the present writ petition.

5. Mr. L. Mishra, learned counsel appearing for opposite parties no.3 and 4 contended that the petitioner herself preferred not to join as Coach at SAI, Cuttack and, thereby, she is no way an employee of opposite parties no.3 and 4. As such, no relief can be granted against the opposite parties no.3 and 4 and, therefore, they should not have been impleaded as parties to this writ petition.

6. Mr. P.K. Mishra, learned counsel appearing for the opposite party no.5 vehemently contended reiterating the fact that the petitioner and opposite party no.5 had got appointment on 27.09.1989, pursuant to the selection conducted by the opposite party no.2. On publication of the provisional gradation list showing the name of the petitioner above the opposite party no.5, the same was questioned by opposite party no.5 by filing a representation to correct the gradation list on the plea that the petitioner had quitted the job without any lien and at best her rejoining would amount to fresh appointment and accordingly she should have been placed in the gradation list. But the same was not considered and final gradation list was published on 05.01.2007 reiterating the provisional gradation list. Opposite party no.5 also filed another representation on 15.01.2007 claiming his position above the petitioner and again he made another representation on 18.01.2007. But, vide letter dated 19.02.2008, it was intimated that since the gradation list has already been made final, the representation filed by opposite party no.5 cannot be

acceded to and, as such, he was permitted to prefer appeal. Pursuant to which, he preferred an appeal and the appellate authority, vide order dated 23.06.2008, directed the Director to take necessary steps. As a consequence thereof, the tribunal passed the order impugned. But the same has not been implemented because of the interim order passed by this Court. Thereby he seeks for dismissal of the writ petition.

7. This Court heard Mr. S. Mohanty, learned counsel appearing for the petitioner; Mr. A.K. Mishra, learned Additional Government Advocate appearing for the State-opposite parties no.1 and 2; Mr. L. Mishra, learned counsel appearing for opposite parties no.3 and 4; and Mr. P.K. Mishra, learned counsel appearing for opposite party no.5 by hybrid mode, and perused the records. Pleadings having been exchanged between the parties, with the consent of learned counsel for the parties this writ petition is being disposed of finally at the stage of admission.

8. On the basis of the factual matrix, as discussed above, there is no iota of doubt that both the petitioner and opposite party no.5 were appointed along with one Rashmikiran Samantray, vide order dated 27.09.1989, as Junior Coach. In the said appointment order, the petitioner's name was shown above opposite party no.5, meaning thereby, the petitioner was shown as senior to opposite party no.5. In the year 1992, when the petitioner got an offer from the SAI as the Athletic Coach, she was relieved on 16.09.1992, but, subsequently, she chose to continue under the State Government and, accordingly, on 19.09.1992 requested the authorities to allow her to rejoin as Junior Coach and to treat the period of absence as leave. As a result thereof, the Director, vide order dated 21.09.1992, allowed the grievance of the petitioner and permitted her to join as Junior Coach and, more so, the period from 17.09.1990 to 21.09.1992 was treated as earned leave and such period was regularized. Once such regularization was made, it is deemed that the petitioner is continuing in service from the date of her initial appointment, i.e. w.e.f. 27.09.1989. At that point of time,

opposite party no.5 had not challenged the decision of the authority allowing the petitioner to continue in the post. In the year 2001, when a provisional gradation list was prepared placing the petitioner at sl. no.32, i.e., over and above the placement of opposite party no.5 at sl. No. 33 and objections were invited, opposite party no.5 never raised any objection. Consequentially, when the final gradation list was published on 02.05.2001, in the said list also the petitioner was placed at sl. No. 31 and opposite party no.5 was placed at sl. no. 32. From the above, it would be seen that opposite party no.5, at no point of time, had raised any objection with regard to fixation of inter se seniority, either in the provisional gradation list or in the final gradation list published on 02.05.2001. Thereby the fixation of seniority of the petitioner over and above opposite party no.5 had reached its finality.

9. Due to retirement of some of the Junior Coaches and leaving of jobs by some Junior Coaches, a provisional gradation list was prepared on 24.01.2006 taking into consideration the final gradation list dated

02.05.2001. In the said provisional gradation list, the petitioner was shown as senior to opposite party no.5. Though opposite party no.5 filed a representation raising objection with regard to seniority and acceptance of the joining report of the petitioner, which had already reached its finality since 2001, when the final gradation list was prepared on 02.05.2001, but the authority rejected the same and published the final gradation list on 15.01.2007. After publication of final gradation list, again opposite party no.5 filed an objection which was also rejected. Against the order rejecting his representation, opposite party no.5 preferred an appeal. However, opposite party no.1, who is the appellate authority, without giving opportunity of hearing to the petitioner, passed an order on 23.06.2008 directing the Director to prepare the gradation list, keeping in view of the leaving of the service by the petitioner, as per the existing provisions of the service rule. Needless to say, when opposite party no.1 considered the representation filed by opposite party no.5, without detriment to the interest of the petitioner, he ought to have given opportunity of

hearing to the petitioner in compliance of the principle of natural justice.

10. In **S.A. de Smith, Judicial Review of Administrative Action, 4th Ed. P. 156**, it has been stated that English law recognizes two principles of natural justice: that an adjudicator be disinterested and unbiased (**nemo judex in causa sua**) and that the parties be given adequate notice and opportunity to be heard (**audi alteram partem**)

The purpose of following the principles of natural justice is prevention of miscarriage of justice and, hence, the observance thereof is the pragmatic requirement of fair play in action. Principles or rules of natural justice operate as checks on the freedom of administrative action.

The second rule is **audi alteram partem**, i.e. 'hear the other side'. At times and particularly in continental countries, the form **audietur et altera pars** is used, meaning very much the same thing. The rule that no one should be condemned unheard is a die hard

principle of natural justice. Fairness is considered to be the soul of natural justice.

11. In **Wiseman v. Borneman**, [1971] AC 297, Lord Reid observed that natural justice requires that the procedure before any tribunal which is acting judicially shall be fair in all the circumstances. The apex Court has time and again equated the principles of natural justice with fairness in action. The Court has insisted upon not so much to act judicially but acting fairly, justly, reasonably and impartially.

12. In **General Medical Council v. Spackman**, [1943] 2 All ER 337, Lord Wright said that if the principles of natural justice are violated in respect of any decision, it is indeed, immaterial whether the same decision would have been arrived at in the absence of the departure from the essential principles of justice. The decision must be declared to be no decision.

13. In **D.K. Yadav v. J.M.A. Industries Ltd.** (1993) 3 SCC 259, the Supreme Court insisted that in arriving at a decision, the procedure adopted must be

just, fair and reasonable in the particular circumstances of the case.

In view of the above settled principles of law, due to non-compliance of the principle of natural justice by the appellate authority, the order dated 23.06.2008 passed by him cannot sustain in the eye of law.

14. Subsequently, the petitioner, having come to know the order dated 23.06.2008, made a grievance before opposite party no.1, who, after conducting inquiry, categorically held that there was no fault on the part of the petitioner and by so holding passed the order on 17.10.2008 retaining the service and seniority of the petitioner and opposite party no.5, as before, meaning thereby keeping the petitioner as senior to opposite party no.5. Therefore, the order passed on 23.06.2008 having been merged with the order dated 17.10.2008, relief cannot be granted on the basis of the earlier order dated 23.06.2008, as such order had a nullity in the eye of law. Therefore, relief claimed before the tribunal on the basis of the order dated 23.06.2008 was otiose. As such, the

tribunal has committed a gross error apparent on the face of the record, having passed the order impugned, without taking into consideration the subsequent developments taken place in the matter, i.e. the order dated 17.10.2008 passed by the appellate authority upholding the seniority of the petitioner over and above opposite party no.5. Thereby, the order of the tribunal dated 02.05.2014 is an outcome of non-application of mind, when the order dated 17.10.2008 passed by the appellate authority had not been taken into consideration, and direction was given on the basis of the order dated 23.06.2008, which was non-existent. Thereby, the order so passed by the tribunal cannot sustain in the eye of law.

15. Considering from other angle, if the seniority had been fixed keeping the petitioner as senior to opposite party no.5, vide final gradation list published on 02.05.2001, which was done by following due procedure, that is to say by inviting objection at the stage of provisional gradation list, and the same was finalized on 02.05.2001 and even after publication of the final gradation list, opposite party no.5 had not objected to the

same, after six years, when fresh gradation list was prepared, raising of objection by opposite party no.5 to the fixation of seniority of the petitioner over and above the opposite party no.5 cannot have any justification, as the seniority already fixed, pursuant to the final gradation list published on 02.05.2001, had reached its finality and, more so, the claim of opposite party no.5 subsequently is also hit by the principle of *estoppel*.

16. Otherwise also, if contention of opposite party no.5 is accepted that he is senior to the petitioner, the same is also not permissible at a belated stage, as the petitioner had not raised any objection, when the final gradation list was published on 02.05.2001, even at the stage of provisional gradation list published by the authority. Thereby, opposite party no.5 had waived his right to claim seniority over the petitioner and, as such, the subsequent claim made is hit by principle of waiver and acquiescence.

17. In ***Prabhakar v. Joint Director, Sericulture Department***, (2015) 15 SCC 1, the apex Court held that

doctrine of acquiescence is an equitable doctrine which applies when a party having a right stands by and sees another dealing in a manner inconsistent with that right, while the act is in progress and after violation is complete, which conduct reflects his assent or accord. He cannot afterwards complain.

In literal sense, the term acquiescence means silent assent, tacit consent, concurrence, or acceptance, which denotes conduct that is evidence of an intention of a party to abandon an equitable right and also to denote conduct from which another party will be justified in inferring such an intention. Acquiescence can be either direct with full knowledge and express approbation, or indirect where a person having the right to set aside the action stands by and sees another dealing in a manner inconsistent with that right and in spite of the infringement takes no action mirroring acceptance.

Similar view has also been taken by the apex Court in the case of ***The Chairman, State Bank of India v. M.J. James***, (2022) 2 SCC 301.

18. In ***Dawson's Bank Ltd. v. Nippon Menkwa Kabushiki Kaisha***, AIR 1935 PC 79, it was held that waiver is an intentional relinquishment of a right. It involves conscious abandonment of an existing legal right, advantage, benefit, claim or privilege, which except for such a waiver, a party could have enjoyed. In fact it is an agreement not to assert a right. There can be no waiver unless the person who is said to have waived, is fully informed as to his rights and with full knowledge about the same, he intentionally abandons them.

Similar view was taken in ***Sikkim Suba Associates v. State of Sikkim***, AIR 2001 SC 2062; and ***Krishna Bahadur v. Purna Theatre***, AIR 2004 SC 4282.

Acquiescence, being the principle of equity, must be made applicable in a case where the order has been passed and complied with without raising any objection. Estoppel follows acquiescence.

19. In the case of ***Pannalal Binjraj v. Union of India***, AIR 1957 SC 397, the Constitution Bench of the

apex Court had explained the scope of estoppels observing that once an order is passed against a person and without raising any objection he submits to the jurisdiction or complies with such order, he cannot be permitted to challenge the said order merely because he could not succeed there, for the reason that such conduct of that person would disentitle him for any relief before the Court.

Similar view was also taken by the apex Court in the case ***Manak Lal Advocate v. Prem Chand Singhvi***, AIR 1957 SC 425, ***Maharashtra State Road Transport Corporation v. Balwant Regular Motor Service, Amaravati***, AIR 1969 SC 329.

20. In ***Municipal Corporation of Greater Bombay v. Hakimwadi Tenants' Assn.***, AIR 1988 SC 233, the apex Court held that in order to constitute waiver, there must be voluntary and intentional relinquishment of a right. The essence of a waiver is an estoppels and where there is no estoppels, there is no waiver.

In the above view of the matter, the order passed by the tribunal cannot also sustain in the eye of law.

21. If the fact of the instant case is considered from other angle, though the order was passed by the appellate authority on 23.06.2008, but opposite party no.5 approached the tribunal by filing O.A. No. 669 of 2010 on 23.06.2010. As per the provisions contained in the Administrative Tribunals Act, 1985, the opposite party no.5 had to prefer the original application within a period of one year. The original application, having been filed by opposite party no.5 after near about two years, was barred by limitation. Therefore, the tribunal has committed gross error apparent on the face of record by entertaining the original application, beyond the period of limitation prescribed in the Act itself. Thereby, the original application so filed by opposite party no.5 should have been dismissed being barred by limitation.

22. In view of the facts and circumstances, as well as the law, as discussed above, this Court is of the

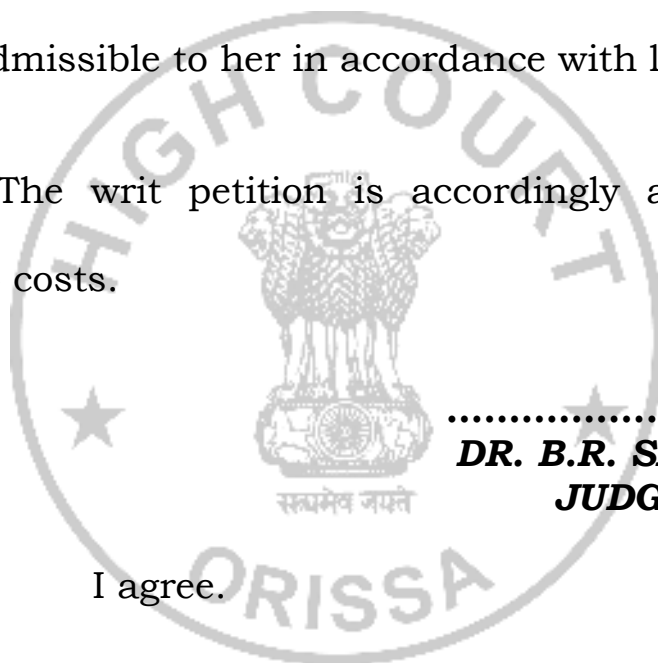
considered view that the tribunal, while passing the order impugned dated 02.05.2014 by entertaining O.A. No. 669 of 2010 filed beyond the prescribed period of limitation, has committed gross error apparent, which cannot sustain in the eye of law and is liable to be quashed. As a result of which, the consequential order dated 03.06.2014 under Annexure-12 in communicating the gradation list prepared in compliance with the order passed by the tribunal under Annexure-11, is also not sustainable in the eye of law.

23. It is of relevance to mention that by virtue of the interim order dated 30.07.2014 passed in Misc. Case No. 10780 of 2014, this Court had already stayed the operation of the order dated 02.05.2014 under Annexure-11 passed by the Orissa Administrative Tribunal, Bhubaneswar and also directed not to give effect the order under Annexure-12.

24. In view of the above, the order dated 02.05.2014 passed by the Orissa Administrative Tribunal, Bhubaneswar in O.A. No. 669 of 2010 under Annexure-

11 and the consequential final gradation list communicated vide order No. 7014 dated 03.06.2014 under Annexure-12, are hereby quashed and opposite parties no.1 and 2 are directed to maintain seniority of the petitioner over and above opposite party no.5, pursuant to the final gradation list prepared on 02.05.2001, and grant all benefits to the petitioner, as due and admissible to her in accordance with law.

25. The writ petition is accordingly allowed. No order as to costs.



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DR. B.R. SARANGI,
JUDGE

SAVITRI RATHO, J. I agree.

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SAVITRI RATHO,
JUDGE

Orissa High Court, Cuttack
The 17th May, 2022, Arun/GDS