

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC(OAC) No. 3051 of 2018

Sudhir Kumar Mahanta & Another **Petitioners**

Mr. S. Das, Advocate

- Versus -

State of Odisha and others **Opposite Parties**

Mr. H.K. Panigrahi, Addl. Standing Counsel

Mr. S. Udgata, Advocate (for O.Ps. No. 2 & 3)

Mr. S. Palit, Sr. Advocate (for O.P. No.4)

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

29.04.2022

I.A. No. 310 of 2022

Order No.
03.

1. This matter is taken up through hybrid mode.
2. This is an application filed by the Government College of Engineering, Keonjhar (opposite party no.4) seeking recall of order dated 08.03.2022 passed by this Court in disposing of the writ petition.
3. Mr. Subit Palit, learned Senior Counsel submits that originally the matter was before the erstwhile Odisha Administrative Tribunal in the form of O.A. No. 3051(C)/2018 and notice was issued and duly served upon opposite party no.4 but due to inadvertence and misplacement of relevant documents including the vakalatnama executed by the Principal, the same could not be filed. Consequently, the name of the counsel did not appear in the cause list, as a result of which he could not appear before this Court on the date of hearing of the matter.

A purported composite counter affidavit has also been filed on behalf of opposite party no.4 along with the application for recall. Mr. Palit further argues that the opposite party no.4 had certain valid points to argue which could not be placed before the

Court at the relevant time because of the reasons aforesaid. It is therefore, contended that the order may be recalled, the composite counter affidavit be taken on record and the matter be heard afresh.

4. Mr. S. Das, learned counsel appearing for the petitioner has orally objected to the petition by submitting that the same is not maintainable in the eye of law as the petitioner did not appear despite sufficient opportunity.

5. It is well settled that after passing the final order, the Court becomes *functus officio* and therefore, it is not permissible for the Court to reopen the proceedings. While it is true that the opposite party no.4 may have been prevented from appearing before the Court on valid grounds but, considering the fact that this Court has finally disposed of the matter taking note of service of notice on opposite party no.4, the same cannot be a ground to recall the order. It goes without saying that it is always open to the petitioner to seek appropriate legal remedy in case it feels aggrieved by the order, but for such reason, this Court cannot recall its own order.

6. For the forgoing reasons therefore, this Court finds no merit in the petition, which is therefore rejected.

(Sashikanta Mishra)
Judge

A.K. Rana