



IN THE HIGH COURT OF ORISSA AT CUTTACK

FAO No.852 of 2026
CNR No. ODHHC010540032026

(From Order dated 10th December, 2019 passed by the learned State Education Tribunal, Bhubaneswar in GIA Case No.2167 of 2017)

Madhusudan Sahoo

....

Appellant

-versus-

***State of Odisha, represented through
the Commissioner-cum-Secretary, ...
Higher Education Department,
Bhubaneswar and others***

Respondents

Advocate(s) appeared in this case:-

For Appellant : Mr. S. Jena, Advocate

For Respondent : Mr. S.K. Jee, AGA

CORAM: JUSTICE B.P. ROUTRAY

JUDGMENT
1st September, 2026

B.P. Routray, J.

1. Heard Mr. S. Jena, learned counsel for the Appellant and Mr. S.K. Jee, learned AGA for State – Respondents.

2. As per the impugned order, challenged in the present appeal, the claim of the appellant in terms of the GIA Order 1994 was refused by the learned Tribunal on the ground that this Court in the case of ***State of***



Orissa v. Lokanath Behere and another, 2018(II) ILR CUT 535 and the Hon'ble Supreme Court in Civil Appeal No.7299 of 2019 (***Loknath Behera v. State of Odisha***) has rejected similar claim.

3. In course of hearing it is admitted that, the case of the Appellant is duly covered by the decision of this Court in ***State of Odisha v. Ratnakar Mohapatra and Another***, FAO No.509 of 2014 and batch, decided on 19th March, 2025, and confirmed by the Hon'ble Supreme Court in SLP (Civil) Diary No.6943 of 2026 and batch, disposed of on 25th March, 2026. The observations of Hon'ble Supreme Court relevant for the purpose are as follows:-

“6. After perusal of the nature of the said direction, it is apparent that the judgment of State of Odisha and Another v. Anup Kumar Senapati and another has been considered by the High Court in the impugned order. Moreover, the document, in particular the RTI information provided by the Directorate of Secondary Education vide letter dated 21.01.2013 has also been considered. On Consideration of the said RTI information, the Court, as observed in para 6.3 therein, was of the view that the judgment of Anup Kumar Senapati (supra) does not create complete and absolute bar. Moreover, it has also been taken note of by the Court that in other similar cases, against the orders passed by the Tribunal and the High Court, various Special Leave Petitions for example Special Leave Petition (Civil) Nos. 19387-19388 of 2019 have been dismissed. Thereafter, Review Petition (Civil) Diary No. 46612 of 2019 and Curative Petition



(Civil) Nos. 252-253 of 2021 have also been dismissed by this Court. The Court has also considered that various Special Leave Petitions filed against orders of the High Court affirming the benefit of grant in aid have been dismissed. In this view, the nature of directions issued by the High Court was that the judgment of Anup Kumar Senapati (supra) would not be treated as absolute bar. It was further directed that the employees and institutions, if otherwise eligible for the benefit of grant in aid under the GIA order 1994 and where recommendations have been made by the respective Directorate prior to such repealing of GIA Order 1994 in respect of unaided Schools, Girls Schools, Higher Secondary Schools and Colleges, then in that situation, the verification is to be made by the State authorities taking note of these aspects and upon such verification and appreciation of the orders passed by the courts, authorities were directed to pass appropriate orders and to complete such exercise within a period of six months.

7) In our view, the direction as issued by the High Court is completely in consonance with the reasoning as specified therein and the discretion has been left with indicated the State to consider all the aspects as indicated hereinabove including the nature of the orders which have been passed by this Court in similar matters and to pass necessary orders subject to verification. In this light, we are not inclined to interfere.”

4. There having no factual dispute in terms of the order of the learned Tribunal dated 10th December, 2019 (Annexure-3), as impugned in the present appeal, the concerned Director, i.e. Director of Higher Education,



Government of Odisha (O.P. No.2) is thus required to consider the case of the Appellant.

5. Accordingly, present appeal is disposed of quashing the impugned order of learned State Educational Tribunal at Annexure-3, with a direction to the Director, Higher Education (Opposite Party No.2) to verify the case of the Appellant in view of the facts mentioned in the impugned order of the Tribunal under Anneure-3 and to extend the benefit accordingly as per the principles decided in the case of ***State of Odisha v. Ratnakar Mohapatra*** (*supra*), preferably within a period of four months from the date of receipt of certified copy of this order along with a copy of the Appeal Memorandum.

(B.P. Routray)
Judge

M.K. Panda, P.A.