IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.9712 of 2026
CNR No. ODHC010221212026

Adwaita Sahoo …. **Petitioner**
Mr. B.S. Tripathy, Sr. Advocate
along with Mr. A. Tripathy, Advocate

-Versus-

State of Odisha & others …. **Opposite Parties**
Mr. S. Mishra, ASC

CORAM:
MR. JUSTICE R.K. PATTANAIK

ORDER
29.10.2026

Order No.

02. 1. Heard Mr. Tripathy, learned Senior Advocate for the petitioner and Mr. Mishra, learned ASC for the State.

2. Instant writ petition is filed by the petitioner assailing the impugned order dated 17th June, 2025 of opposite party No.1 as at Annexure-1 on the grounds stated and to direct the opposite parties to modify the approval order dated 27th August, 1996 thereby antedating his increment to receive Grant-In-Aid @ 1/3rd, 2/3rd and full from 1st June, 1988, 1st June, 1990 and 1st June, 1992 respectively with consequential benefits of UGC Scale of Pay.

3. Mr. Tripathy, learned Senior Advocate submits that subsequent to the orders in Apex Court in SLPs as referred to at Annexure-8 & 9 series, the petitioner approached this Court in W.P.(C) No.10466 of 2013 disposed of on 23rd October, 2024 vide Annexure-11 granting the liberty to him to submit a representation to the Government for a decision which was

complied with and as a result, the impugned order dated 17th June, 2025 is passed denying such modification of the approval order dated 27th August, 1996 vide Annexure-12. The submission of Mr. Tripathy, learned Senior Advocate is that denial to such modification is on the premise that such entitlement claimed by the petitioner is from the date of appointment and not from when the post was created. In support of the contention that there is a need for modification of the approval order, Mr. Tripathy, learned Senior Advocate cites the decision of this Court in **Basanta Kumar Sahoo Vrs. State of Odisha and others** in OJC No.14212 of 1999 dated 6th July, 2018. A copy of this Court's order dated 24th September, 2026 in **Sri Sarat Kumar Rautray Vrs. State of Odisha and others** in FAO No.219 of 2012 and Order dated 12th October, 2026 in **Saroj Kumar Giri Vrs. State of Odisha & others** in W.P.(C) No.21618 of 2025 are also cited with the submission that the decision of **Dr. Hemanta Kumar Rath Vrs. State of Odisha and others** in FAO No.727 of 2018 was taken judicial notice of therein while directing extension of Grant-In-Aid from the date when the post was created.

4. Recorded the submission of Mr. Mishra, learned ASC for the State, according to whom, the petitioner is not entitled to any such benefits and since the benefit of service period of his predecessor cannot be extended, for which, he was allowed Grant-In-Aid since 1st June, 1989. Further referring to the Govt. Resolutions dated 6th October, 1989 and 6th November, 1990, it is submitted by Mr. Mishra, learned ASC that the eligibility

criteria for extension of UGC Scale of Pay benefit is from the cut-off date i.e. 1st April, 1989 and hence, the impugned order at Annexure-12 is in accordance with law and is perfectly justified and hence, calls for no interference.

5. Gone through the rejoinder affidavit filed by the petitioner to the counter of the State.

6. This Court in **Sri Sarat Kumar Routray** (supra) considered extension of Grant-In-Aid from the date of creation of the post referring to the decision in **Dr. Hemanta Kumar Rath** (supra). In fact, the point involved herein was dealt with in **Basanta Kumar Sahoo** (supra) and therein, this Court concluded that the period of five years for entitlement of Grant-In-Aid is to computed from the date of creation of the post and not from the date of appointment and also referred to the decision in **Smt. Bilasini Sahoo Vrs. State of Odisha and others** in OJC No.2901 of 1990. Considering the decisions referred to hereinabove and having regard to the plea of the petitioner and the demand for Grant-In-Aid and hence, modification of the approval order and submission of Mr. Tripathy, learned Senior Advocate and reply of the State, this Court is of the view that the petitioner is entitled to receive Grant-In-Aid @ 1/3rd, 2/3rd and full from 1st June, 1988, 1st June, 1990 and 1st June, 1992 as such entitlement shall have to be computed from the date of creation of the post and not from the date of his appointment. Such is the view of the Court in view of the decision in **Basanta Kumar Sahoo** (supra) and

also **Dr. Hemanta Kumar Rath** (supra), wherein, the State's objection was not entertained and dismissed vide SLP(C) Diary No.26956 of 2023. This Court further finds that similar orders have been passed in other cases of **Bikram Keshari Rout** and **Trilochan Sathua** in Annexure-8 and 9 series. It is also made to reveal from the record that SLP(C) Diary No.53581 of 2023 in **State of Odisha and another Vrs. Raghunath Rath and others** was dismissed and it was followed by order dated 4th January, 2025 of the Government in Department of Higher Education is taken note in **Saroj Kumar Giri** (supra). Considering the above facts and submissions of learned counsel for the respective parties, this Court reiterates the view that such entitlement of the petitioner for having Grant-In-Aid shall be from the date when the post was created and not from the date appointment, hence, the approval order dated 27th August, 1996 in Annexure-4 is required to be modified.

7. Accordingly, it is ordered.

8. In the result, the writ petition stands allowed. As a necessary corollary, the impugned order i.e. Annexure-12 dated 17th June, 2025 is hereby set aside with a direction to opposite party No.1 to compute the arrear entitlement of the petitioner towards Grant-In-Aid payable to him @ 1/3rd, 2/3rd and full from 1st June, 1988, 1st June, 1990 and 1st June, 1992 respectively and consequential benefits under the UGC Scale of Pay and to complete the above exercise at the earliest

preferably within a period of eight weeks from the date of receipt of a copy of this order.

9. Issue urgent certified copy of this order as per rules.

(R.K. Pattanaik)
Judge

Ranjeeta

Signature Not Verified
Digitally Signed
Signed by: RANJEETA SAHOO
Reason: Authentication
Location: HIGH COURT OF ORISSA
Date: 31-Oct-2026 12:29:19