IN THE HIGH COURT OF ORISSA AT CUTTACK

FAO No.42 of 2017
CNR No. ODHC010260922017

State of Orissa & another …. **Appellants**
Mr. S. Mishra, ASC

-Versus-

Sibani Mohapatra & another …. **Respondents**
Mr. S.K. Das, Advocate

CORAM:
MR. JUSTICE R.K. PATTANAIK

ORDER
05.11.2026

MC No.78 of 2017

Order No.

05. 1. Heard.

2. Instant I.A. is filed under Section 5 of the Limitation Act for condonation of delay.

3. A delay of 149 days is reported as per the S.R.

4. Considering the plea of the State and the explanation offered towards the delay, recording the objection of Mr. Das, learned counsel for the respondent, this Court is inclined to condone the same and accordingly, it is ordered.

5. The I.A. stands disposed of as a result condoning the delay in filing the appeal.

(R.K. Pattanaik)
Judge

FAO No.42 of 2017

06. 1. Heard learned counsel for the respective parties.

2. Instant appeal under Section 24(C) of the Orissa Education Act, 1969 (hereinafter referred to as 'the Act') is filed by the State-appellant challenging the impugned decision in GIA Case No.418 of 2013 of the learned State Education Tribunal on the grounds stated.

3. Recorded the submission of Mr. Mishra, learned ASC for the State appellant and also response of Mr. Das, learned counsel for the respondents.

4. In course of hearing, it is brought to the notice of the Court that the services of the respondents stand validated in view of Section 3 of the Odisha Aided Educational Institutions (Appointment of Lecturers Validation) Act, 1998 (hereinafter referred to as 'the Act').

5. Mr. Das, learned counsel submits that the validation shall be deemed in view of Section 3 of the Act and subsequent to it, one is entitled to received Grant-in-Aid towards salary cost in respect of Lecturers, whose appointments so validated are governed by the provisions of Orissa (Non-Government Colleges, Junior Colleges and Higher Secondary Schools) Grant-in-Aid Order, 1994. The claim is that such Grant-in-Aid shall be allowed from commencement of the Act i.e. 17th October, 1998. In support of the contentions advanced by Mr. Das, learned counsel cites the following decisions, such as, **State of Orissa and another Vrs. Pratap Kumar Nayak & another 93 (2002) CLT 79 (SC)**; **Santanu Kumar Mishra**

Vrs. State of Orissa and others in O.J.C. No.3132 of 2002 dated 2nd December, 2012 of 2015; **M/s. Bilkesh Parveen Vrs. State of Orissa & another 2007 (1) OLR-133** and other decisions followed thereafter to contend that the sanction of Grant-in-Aid in favour of the petitioner shall be payable with effect from 17th October, 1998, hence, therefore, considering the same, the learned Tribunal directed it and therefore, such a decision is in accordance with law and hence, is not liable to be interfered with.

6. Recorded the submission of Mr. Mishra, learned ASC for the State challenging the impugned decision in GIA Case No.418 of 2013.

7. Considering the decision in **M/s. Bilkesh Parveen** (supra) and the fact that the same has been confirmed by the Apex Court and also **Santanu Kumar Mishra** (supra) and having regard to the other decisions cited including **State of Odisha Vrs. Rajalaxmi Swain & another** in FAO No.69 of 2017 disposed of dealing with an identical case, this Court finds that there has been no any wrong or error committed by the learned Tribunal while directing validation of service of the petitioner against the post of Lecturer in Home Science under the Act and towards release of Grant-in-Aid in her favour modifying the impugned decision as at Annexure-4 payable with effect from 17th October, 1998. This Court is inclined to reiterate the view expressed earlier and having regard to the fact that the decision in **M/s. Bilkesh Parveen** (supra) has been

upheld by the Apex Court and hence, the conclusion is that the impugned decision in GIA Case No.418 of 2013 calls for no interference and accordingly, it is ordered.

8. In the result, the appeal stands dismissed.

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

(R.K. Pattanaik)
Judge

Balaram

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Reason: Authentication
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Date: 11-Nov-2026 19:25:25