IN THE HIGH COURT OF ORISSA AT CUTTACK

FAO No.514 of 2019
(CNR No.ODHC010332512019)

Rabi Shankar Hota …. **Appellants**

Mr. K. K. Swain, Advocate
along with Mr. J.R. Khuntia, Advocate

-Versus-

State of Odisha and others …. **Respondents**

Mr. S.K. Parhi, ASC

CORAM:
MR. JUSTICE R.K. PATTANAIK

ORDER
05.11.2026

I.A. No. of 2026

Order No.

02. 1. Heard.

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

3. I.A. be registered forthwith. Reason behind the default the filing the FAO is pleaded in the I.A.

4. Recorded the submission of Mr. Swain, learned counsel for the appellant.

5. A delay of 16 days is reported as per the S.R.

6. Considering the grounds stated and plea for condonation of delay. This Court accepting the explanation offered by the appellant is inclined to allow the same.

(R.K. Pattanaik)
Judge

03. 1. Heard Mr. Swain, learned counsel for the appellant & Mr. Parhi, learned ASC for the State.

2. Instant appeal is filed under Section 24(C) of the Odisha Education Act, 1969 by the appellant School assailing the impugned order dated 9th April, 2019 passed by the learned State Education Tribunal, Odisha, Bhubaneswar in G.I.A. Case No.483 of 2016 at Annexure-A and to direct respondent Nos.1 & 2 to release grant-in-aid in favour of the teaching and non-teaching staff of the appellant's School from the date of his eligibility i.e. w.e.f. 1st June, 1998 as per Grant-in-Aid Order, 1994 instead of Block Grant w.e.f. 20th January, 2009 as per Grant-in-Aid Order, 2004 keeping in view the decision of this Court in **State of Odisha and another Vrs. Ratnakar Mohapatra and another** (FAO No.509 of 2014) disposed of on 19th March, 2025 along with batch of cases and such other grounds stated.

3. Perused the impugned order at Annexure-A disposed of by the learned State Education Tribunal, Odisha, Bhubaneswar denying the financial benefits to the staff of the appellant's School referring to the decision in **State of Odisha & another Vrs. Lokanath Behera and another 2018 (II) ILR-CUT-535** and judgment of the Apex Court in **Lokanath Behera & another Vrs. State of Orissa & others** in Civil Appeal No.7299 of 2019 decided on 16th September, 2019.

4. Mr. Swain, learned counsel for the appellant submits that challenging the denial of financial benefits, this Court considering the same in FAO No.509 of 2014 held and

concluded that the decision in **State of Odisha and another Vrs. Anup Kumar Senapati and another (2019) 19 SCC 626** is not an absolute bar if there has been recommendation for Grant-in-Aid under the GIA order 1994 is prior to the repealing of the same. Mr. Swain, learned counsel would further submit that the decision therein of this Court has been upheld by the Apex Court in **Muslemin Mahammad and others vrs. State of Odisha and others** and batch of cases arising out of SLP(C) Diary No.6943 of 2026. The submission is that the Grant-in-Aid is permissible in view of the decision in **Ratnakar Mohapatra** (supra) upheld by the Apex Court subject to verification of the recommendation made prior to the repeal of GIA order 1994. The further submission is that such orders have been set aside by this Court after the decision in **Ratnakar Mohapatra** (supra) has been upheld by the Apex Court. One of such orders in FAO No.729 of 2026 (**Sambhu Prasad Das Vrs. State of Odisha and others**) dated 29th June, 2026 is produced by Mr. Swain, learned counsel for the appellant School at the time of hearing and the same is gone through.

5. Response of the State is recorded.

6. Having regard to the above facts pleaded on record and submission of Mr. Swain, learned counsel for the appellant School and that the order in FAO No.509 of 2014 has been finally upheld by the Apex Court in **Muslemin Mahammad** (supra), this Court is inclined to set aside the impugned order at Annexure-A since the factual back ground of the present case is identical to the one involved therein.

7. Accordingly, it is ordered.

8. In the result, the appeal stands allowed with the impugned order in GIA Case No.483 of 2016 of the learned State Education Tribunal, Odisha, Bhubaneswar under Annexure-A is hereby set aside and quashed. It is directed that opposite party No.2 shall consider extension of benefits in favour of the petitioner as per the principles decided in **State of Odisha and another Vrs. Ratnakar Mohapatra and another** (FAO No.509 of 2014) disposed of along with batch of cases on 19th March, 2025 with a decision thereon at the earliest preferably within a period of six weeks from the date of receipt of a copy of this order.

9. Urgent copy of this order be issued as per rules.

(R.K. Pattanaik)
Judge

Signature Not Verified
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Signed by: KABITARANI MAJHI
Reason: Authentication
Location: OHC, Cuttack
Date: 10-Nov-2026 15:14:59