IN THE HIGH COURT OF ORISSA AT CUTTACK

CMAPL No. 192 of 2025
(CNR No.ODHC010334402025)

Kalpana Nath and others …. **Petitioners**

Mr. K. Badhei, Advocate

-Versus-

State of Odisha and others …. **Opposite Parties**

Mr. C.M. Singh, ASC

CORAM:
MR. JUSTICE R.K. PATTANAIK

ORDER
18.11.2026

Order No. **I.A. No.264 of 2025**

02. 1. Heard learned counsels for the respective parties.

2. Instant I.A. is filed to condone the delay in filing the CMAPL No.192 of 2025 and for restoration of the FAO.

3. A delay of 634 days is reported as per the SR.

4. Recorded the submissions of learned counsels for the respective parties. Considering the grounds pleaded in the I.A. with the explanation offered towards the delay, this Court, recording the objection of the State, is inclined to condone the same subject to payment of cost of Rs.1000/- to the Juvenile Justice Fund managed by the Odisha State Legal Services Authority. Consequently, the I.A. stands allowed with the delay being condoned.

(R.K. Pattanaik)
Judge

03. **CMAPL No.192 of 2025**

1. Heard learned counsels for the respective parties.

2. Instant CMAPL is filed for restoration of FAO No.656 of 2019 to its original file.

3. Considering the grounds stated, the CMAPL is allowed. Consequently, the FAO No.656 of 2019 is hereby restored.

4. CMAPL is disposed of accordingly.

(R.K. Pattanaik)
Judge

04. **FAO No.656 of 2019**

1. Heard learned counsels for the respective parties.

2. Instant appeal is filed under Section 24(C) of the Odisha Education Act, 1969 by the appellants assailing the impugned order dated 20th April, 2019 passed by the learned State Education Tribunal, Odisha, Bhubaneswar in G.I.A. Case No.2672 of 2017 at Annexure-8 refusing the prayer of respondent No.1 to release grant-in-aid in favour of the appellant from the date of their eligibility as per Grant-in-Aid Order, 1994 instead of Block Grant w.e.f. 1st February, 2009 as per Grant-in-Aid Order, 2009, 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. Mr. Badhei, learned counsel for the appellants 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. Badhei, 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 learned counsel for the appellants School at the time of hearing and the same is gone through.

4. Response of the State is recorded.

5. Having regard to the above facts pleaded on record and submission of Mr. Badhei, learned counsel for the appellants 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-8 since the factual back ground of the present case is identical to the one involved therein.

6. Accordingly, it is ordered.

7. In the result, the appeal stands allowed with the impugned order in GIA Case No.2672 of 2017 of the learned State Education Tribunal, Odisha, Bhubaneswar is hereby set aside and quashed. It is directed that respondent No.2 shall consider extension of benefits in favour of the appellants 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.

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

(R.K. Pattanaik)
Judge

Rojina

Signature Not Verified
Digitally Signed
Signed by: ROJINA SAHOO
Designation: Sr. Stenographer
Reason: Authentication
Location: OHC, CTC
Date: 26-Nov-2026 17:34:57