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Designation: Senior Stenographer
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 29-Oct-2026 10:46:36

IN THE HIGH COURT OF ORISSA AT CUTTACK

FAO No. 866 of 2026
CNR No.ODHC010536982026

Rabindra Kumar Kund .... **Appellant**
Mr. S.K. Das, Advocate

-Versus-

State of Odisha & Ors. .... **Respondents**
Mr. S.B. Panda, AGA

CORAM:
MR. JUSTICE R.K. PATTANAIK

ORDER
28.10.2026
I.A. No.1104 of 2026

Order No.

02. 1. Heard Mr. Das, learned counsel for the appellant.

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

3. A delay of 2268 days is reported as per the SR.

4. Recorded the submissions of learned counsel 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.2000/- 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

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03. 1. Heard Mr. Das, learned counsel for the appellant & Mr. Panda, learned AGA for the State.

2. Instant appeal is filed under Section 24(C) of the Odisha Education Amendment Act, 1998 by the appellant assailing the impugned order dated 26th February, 2020 passed by the learned State Education Tribunal, Odisha, Bhubaneswar in G.I.A. Case No.873 of 2016 at Annexure-3 and to direct respondent Nos.1 & 2 to approve his appointment in terms of the Grant-in-Aid Order, 1994 and to allow him to receive full salary cost w.e.f. his eligibility modifying the approval order and to pay the arrear differential salary within a reasonable time in his favour keeping in view the judgment 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-3 disposed of by the learned State Education Tribunal, Odisha, Bhubaneswar denying the financial benefits to the appellant referring to the decision in **State of Odisha Vrs. Lokanath Behera and another 2018 (II) ILR Cuttack 535** and judgment of the Apex Court in **Lokanath Behera Vrs. State of Orissa** in Civil Appeal No.7299 of 2019 decided on 16th September, 2019.

4. Mr. Das, 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

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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. Das, 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) which has been upheld by the Apex Court.

5. Response of the State is recorded.

6. Having regard to the above facts pleaded on record and submission of Mr. Das, learned counsel for the appellant 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-3 since the factual background of the present case is identical to the one involved therein.

7. Accordingly, it is ordered.

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8. In the result, the appeal stands allowed with the impugned order in GIA Case No. 873 of 2016 of the learned State Education Tribunal, Odisha, Bhubaneswar under Annexure-3 is hereby set aside and quashed. It is directed that respondent No.2 shall consider extension of benefits in favour of the appellant 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

Madhu