IN THE HIGH COURT OF ORISSA AT CUTTACK

CMAPL No.502 of 2023
(CNR No. ODHC010548682023)

Biranchi Narayan Swain …. Petitioner

Mr. M.K. Sahoo, Advocate

-Versus -

State of Odisha & Others …. Opposite Parties

Mr. Subha Bikash Panda, AGA

CORAM:
MR. JUSTICE R.K. PATTANAIK

ORDER

Order No. **09.11.2026**

I.A. No.169 of 2026

02. 1. Heard Mr. Sahoo, learned counsel for the appellant and Mr. Panda, learned counsel for the State-respondents.

2. Instant I.A. is filed to condone the delay in filing the CMAPL No.502 of 2023 and for restoration of the FAO.

3. A delay of 1006 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

CMAPL No.502 of 2023

Order No.

03. 1. Heard Mr. Sahoo, learned counsel for the appellants and Mr. Panda, learned AGA for the respondents.

2. Instant CMAPL is filed for restoration of FAO No.633 of 2020 to its original file.

3. Considering the grounds stated, the CMAPL is allowed. Consequently, the FAO No.633 of 2020 is hereby restored.

4. CMAPL is disposed of accordingly.

(R.K. Pattanaik)
Judge

Order No. **FAO No.633 of 2020**

04. 1. Heard Mr. Sahoo, learned counsel for the appellant and Mr. Panda, learned AGA for the respondents-State.

2. Instant appeal is filed under Section 24(C) of the Odisha Education Act, 1969 by the appellant assailing the impugned order dated 5th April, 2019 passed by the learned State Education Tribunal, Odisha, Bhubaneswar in G.I.A. Case No.471 of 2014 at Annexure-10 refusing the prayer of respondent No.1 to release grant-in-aid in favour of the appellant from the date of his 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. Sahoo, 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. Sahoo, 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. Das, learned counsel for the appellant 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. Sahoo, 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-10 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.471 of 2014 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 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.

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

(R.K. Pattanaik)
Judge

Narayan

Signature Not Verified
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Signed by: NARAYAN HO
Reason: Authentication
Location: OHC
Date: 16-Nov-2026 18:46:13