IN THE HIGH COURT OF ORISSA AT CUTTACK

FAO No.861 of 2026
(CNR No. ODHC010550392026)

Pramod Kumar Ray …. **Appellant**

Mr. K.K. Swain, Advocate

-Versus -

State of Odisha & Others …. **Respondents**

Mr. Subha Bikash Panda, AGA

CORAM:
MR. JUSTICE R.K. PATTANAIK

ORDER

Order No. **09.11.2026**

I.A. No.1125 of 2026

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

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 2357 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

Order No. **FAO No.861 of 2026**

02. 1. Heard Mr. Swain, 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 7th December, 2019 passed by the learned State Education Tribunal, Odisha, Bhubaneswar in G.I.A. Case No.57 of 2019 at Annexure-6 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-6 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 and another Vrs. Lokanath Behera and another 2018 (II)-ILR-CTC 535** and judgment of the Apex Court in **Lokanath Behera and another Vrs. State of Orissa and 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) which 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 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 and that the order in FAO No.509 of 2026 has been finally upheld by the Apex Court in **Muslemin Mahammad** (supra), this Court is

inclined to set aside the impugned order at Annexure-6 since the factual background 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.57 of 2019 of the learned State Education Tribunal, Odisha, Bhubaneswar is hereby set aside and quashed.

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

(R.K. Pattanaik)
Judge

Narayan

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