IN THE HIGH COURT OF ORISSA AT CUTTACK
RVWPET No.369 of 2019
(CNR No. ODHC010635242019)

Surati Dey …. **Petitioner**

Mr. Sameer Kumar Das, Advocate

-Versus-

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

Mr. S.K. Parhi, ASC

CORAM:
MR. JUSTICE R.K. PATTANAIK

ORDER
06.11.2026

Order No.

01. 1. Heard Mr. Das, learned counsel for the review petitioner and Mr. Parhi, learned ASC for the State.

2. Instant review petition is filed by the petitioner seeking recall of the order dated 15th October, 2019 in FAO No.96 of 2018 and to provide him opportunity of hearing for disposal of the same on merit.

3. Recorded the response of the State. In view of the order in FAO No.96 of 2018 and since liberty was granted by this Court vide seeking recall within the period of thirty days and the review petition is within time, this Court is inclined to recall the order dated 15th October, 2019.

4. The appeal is restored to file as result.

(R.K. Pattanaik)
Judge

02. **FAO No.96 of 2018**

1. Heard Mr. Das, learned counsel for the respondents & 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 assailing the impugned order dated 5th August, 2017 passed by the learned State Education Tribunal, Odisha, Bhubaneswar in G.I.A. Case No.172 of 2014 and to direct respondent Nos.1 & 2 to release grant-in-aid in favour of the appellant from the date of their eligibility i.e. w.e.f. 1st June, 1996 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. Das, learned counsel for the respondents 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. 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) 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 respondents 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. Das, learned counsel for the respondents 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 not inclined to set aside the impugned order 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 FAO stands dismissed.

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

(R.K. Pattanaik)
Judge

Ranjeeta
Signature Not Verified
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Signed by: RANJEETA SAHOO
Reason: Authentication
Location: HIGH COURT OF ORISSA
Date: 12-Nov-2026 15:58:18