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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. 727 of 2020

CNR No. ODHC010775962020

Nilesh Kumar Parekh and others .... **Appellants**

Mr. S. Jena, Advocate
& Mr. G.R. Sethi, Advocate

-Versus-

State of Odisha & Ors. .... **Respondents**

Mr. Jayant Kumar Bal, AGA

CORAM:
MR. JUSTICE R.K. PATTANAIK

ORDER
28.10.2026
I.A. No.761 of 2020

Order No.

03. 1. Heard Mr. Jena, learned counsel for the appellants.

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 678 days is reported as per the SR.

4. Stamp duty shall be paid in course of the day.

5. 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.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

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04. 1. Heard Mr. Jena, learned counsel for the appellants and Mr. Bal, learned AGA for the State.

2. Instant appeal is filed under Section 24(C) of the Odisha Education Amendment Act, 1998 by the appellants assailing the impugned order dated 14th December, 2018 passed by the learned State Education Tribunal, Odisha, Bhubaneswar in G.I.A. Case No.325 of 2013 and to direct respondent Nos.1 & 2 to approve their appointments in terms of the Grant-in-Aid Order, 1994 instead of Block Grant w.e.f. 20th January, 2009 as per Grant-in-Aid Order, 2008 and to allow them to receive full salary cost w.e.f. their eligibility modifying the approval order and to pay the arrear differential salary within a reasonable time in their 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. Mr. Jena, 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. Jena, learned counsel would further submit that the decision therein of this Court has been upheld

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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. Jena, learned counsel for the appellants 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. Jena, 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 since the factual background 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.325 of 2013 of the learned State Education Tribunal, Odisha, Bhubaneswar is hereby set aside and quashed. It is directed that respondent No.2 shall

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

(R.K. Pattanaik)
Judge

Madhu