IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.35892 of 2026
CNR No. ODHC010841862026)

Prativa Behera …. **Petitioner**

Mr. Sangram Jena, Advocate

-Versus-

State of Odisha & others …. **Opposite Parties**

Mr. C.M. Singh, ASC

CORAM:
MR. JUSTICE R.K. PATTANAIK

ORDER
06.11.2026

Order No.

01. 1. Heard Mr. Jena, learned counsel for the petitioner and Mr. Singh, learned ASC for the State.

2. Instant writ petition is filed by the petitioner who is the widow of deceased Avaya Kumar Lenka for a direction to opposite party Nos.1 & 2, in particular, to approve/regularize the service of the deceased employee against the 1st post of Lecturer in Sociology in Itamati Higher Secondary School of Education and Technology, Itamati in the district of Nayagarh and to release the salary components in his favour with effect from eligibility by treating the Institution as an Aided Educational Institution under the Grant-in-Aid Order, 1994 in view of the judgment of this Court in FAO No.509 of 2014 (**State of Odisha and another Vrs. Ratnakar Mohapatra and another and batch**) disposed of on 19th March, 2025 upheld by the Apex Court by order dated 25th March, 2026 dismissing the SLP(C) No.6943 of 2026 and further to grant all

other consequential service and financial benefits as due and admissible to him as has been extended to similarly situated employees as per Annexure-6 series taking into consideration the principle decided by the Apex Court in **State of U.P. and others Vrs. Arvind Ku. Srivastava (2015) 1 SCC 347 and State of Karnataka & other Vrs. C. Lalitha (2006) 2 SCC 747** within a stipulated period.

3. Mr. Jena, learned counsel for the petitioner submits that the petitioner is entitled to the Grant-in-Aid under GIA Order, 1994 since the proposal was submitted prior to repealing of the same in the year 2004. Referring to the judgment in **Ratnakar Mohapatra** (supra) dated 19th March, 2025, Mr. Jena, learned counsel further submits that the decision in **State of Odisha and another Vrs. Anup Kumar Senapati and another (2019) 19 SCC 626** is held to be not a bar to extend such benefits to the employees/Institutions in terms of Grant-in-Aid Order, 1994 and the same has been upheld by the Apex Court. The submission of Mr. Jena, learned counsel is that on the basis of the decision in **Ratnakar Mohapatra** (supra), similar benefit has been extended to others in WP(C) No.21651 of 2026 disposed of by order dated 15th July, 2026.

4. Submission is that in absence of any bar held in **Ratnakar Mohapatra** (supra) and affirmed by the Apex Court even after the decision in **Anup Kumar Senapati** (supra) entertaining review and curative petitions thereafter, this Court, recording the submission of Mr. Singh, learned ASC for the

State, is inclined to direct Opposite Party No.2 to consider the case of the petitioner disposing of the representation i.e. Annexure-7 keeping in view the settled position of law followed by a reasoned order at the earliest.

5. Accordingly, it is ordered

6. Consequently, the writ petition stands disposed of with a direction to opposite party No.2 to take a decision on the representation i.e. Annexure-7 and to pass an order thereon preferably within a period of four weeks from the date of receipt of a copy of this order keeping in view the discussions made hereinabove with reference to the decision in **Ratnakar Mohapatra** (supra).

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

8. A copy of the order be handed over to Mr. Singh, learned ASC for the State for intimation and compliance.

(R.K. Pattanaik)
Judge

Narayan

Signature Not Verified
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Reason: Authentication
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