IN THE HIGH COURT OF ORISSA AT CUTTACK

FAO No.1040 of 2026
(CNR No. ODHC010845452026)

Jayanti Bastia …. Appellant

Mr. Sangram Jena, Advocate

-Versus -

State of Odisha & Others …. Respondents

Mr. Subha Bikash Panda, AGA

CORAM:
MR. JUSTICE R.K. PATTANAIK

ORDER

Order No. **06.11.2026**

I.A. No.1365 of 2026

01. 1. Heard Mr. Jena, learned counsel for the appellant and Mr. Panda, learned AGA for the 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 2350 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.1040 of 2026**

02. 1. Heard Mr. Jena, learned counsel for the appellant and Mr. Panda, learned AGA for the State.

2. Instant appeal is filed by the appellants under Section 24-C of the Orissa Education (Amendment) Act, 1998 challenging the order in GIA Case No.279 of 2018 at Annexure-2 of the learned State Education Tribunal and to direct respondent Nos.1 and 3 to approve their appointments against respective posts under the Grant-in-Aid order, 1994 with such other consequential reliefs sought for.

3. Referring to the judgment dated 23rd June, 2025 in FAO No.281 of 2018 and batch of cases, Mr. Jena, learned counsel for the appellants submits that the decision therein has been confirmed by the Apex Court in SLP(C) Nos.22762 of 2026 and batch of matters by order dated 11th May, 2026. A copy of which is produced at the time of hearing. The further submission is that FAO No.9 of 2021 was disposed of along with FAO No.281 of 2018 filed by the other employees of the same Institution, whereby the same impugned order passed by the Tribunal in respect of the proforma respondents have been quashed. Considering such submission, since case of the appellant is covered by the decision in FAO No.281 of 2018 and batch of cases and confirmed in SLP(C) Nos.22762 of 2026 and since in identical case this Court in FAO No.08 of 2021 (**Bilasini Mishra & another Vrs. State of Orissa & others**) dated 23rd September, 2026, has issued directions in terms thereof, recording the submission of Mr. Jena, learned counsel, this Court

is inclined to extend parity to consider the appointment against the post of Peon under GIA, 1994 and accordingly, it is ordered.

4. In the result, the appeal stands disposed of for a decision by respondents Nos.1 and 3 to approve the appointment of the appellant under the GIA order, 1994 as per the ratio decided in FAO No.281 of 2018 and batch at the earliest soon after receiving a copy of this order preferably within a period of six weeks from the date of such communication received and a s a necessary corollary, the impugned order in GIA Case No.279 of 2018 at Annexure-2 of the learned State Education Tribunal, Bhubaneswar is hereby set aside.

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

(R.K. Pattanaik)
Judge

Narayan

Signature Not Verified
Digitally Signed
Signed by: NARAYAN HO
Reason: Authentication
Location: OHC
Date: 10-Nov-2026 18:38:46