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Location: HIGH COURT OF ORISSA, CUTTACK
Date: 05-Nov-2026 17:54:39

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.36200 of 2026
CNR No. ODHC010856462026

Aswani Kumar Behera and others .... **Petitioners**

Mr. K.K. Swain, Advocate

-Versus-

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

Mr. S. K. Parhi, ASC

CORAM:
MR. JUSTICE R.K. PATTANAIK

ORDER
03.11.2026

Order No.

01. 1. Heard Mr. Swain, learned counsel for the petitioners and Mr. Parhi, learned counsel for the State.

2. Instant writ petition has been filed by the petitioners School for a direction to the opposite parties to release the salary components/Grant-in-Aid in favour of its staff either with effect from 1.6.1999 or from the date of their eligibility as per the GIA Order, 1994 instead of Block Grant with effect from 01.01.2004 as per Grant-in-Aid Order, 2004 in view of the judgment of this Court in FAO No.509 of 2014 disposed of on 19.3.2025 (**State of Odisha and another Vrs. Ratnakar Mohapatra and another** along with batch of cases) upheld by the Apex Court by order dated 25.3.2026 while dismissing SLP(Civil) Diary No.6943 of 2026 and to grant the differential arrears and paid to them within a stipulated period.

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3. Mr. Swain, learned counsel submits that the staff of the petitioner School are entitled to the Grant-in-Aid under GIA Order, 1994 since their proposal was submitted prior to the repealing of the same in the year 2004. Referring to the judgment in **Ratnakar Mohapatra** (supra), Mr. Swain, 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 GIA Order, 1994 and the same has been upheld by the Apex Court. Mr. Swain, learned counsel produced a copy of the order passed in SLP (C) Diary No(s).6943 of 2026 for Court's perusal. The submission of Mr. Swain, 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 15.7.2026.

4. For the submission that in the absence of any bar as 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. Mishra, learned ASC for the State, is inclined to direct opposite party No.2 to consider the case of the petitioners disposing of the representation i.e. Annexure-3 keeping in view the settled position of law followed by a reasoned order at the earliest soon after receiving a copy of the order.

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5. In the result, the writ petition stands disposed of with a direction to the opposite party No.2 to take a decision on the representation i.e. Annexure-3 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).

6. A copy of the order be handed over to the learned counsel for the State for intimation and compliance.

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

(R.K. Pattanaik)
Judge

Rojalin