

3. 9.7.2018

In these batch of appeals, the order passed by the Tribunal in different G.I.A. Cases are under challenge.

The appeal has been preferred by the State of Odisha merely on the ground that the Tribunal without taking into consideration the fact that after repealment of the Odisha Education (Payment of Grant-in-aid to High Schools, Upper Primary Schools) Order, 1994 (in short Order 1994) by virtue of the provision of clause-7 of Order 2004 which contains a provision that the institution who have received the benefit of grant-in-aid, will not be affected in any way by the repealment of the Order 1994, after coming into effect of the Grant-in-aid Order 2004. Specific case of the State that the institutions in questions have never been granted the benefit of grant-in-aid by virtue of Order 1994, as such after its repealment, they cannot be held to be entitled to get the benefit of Order 1994 w.e.f. 1.6.1994.

Mr. B. Routray, learned Senior Counsel appearing for the opposite parties submits that the similar issue fell for consideration before this Court as also before the Hon'ble Supreme Court wherein the same issue has been raised by the petitioner-State but in some cases, the State has conceded and extended the benefit in favour of the teaching/non-teaching staff, as such now the State cannot be opposed to extend the similar benefit in favour of the opposite parties herein.

Other argument has been advanced by the learned counsel for the petitioner-State that after coming into

effect of the Order 1994, legislature has taken care of the fate of 110 institutions to extend the benefit on the basis of Order 1994, as would be evident from Annexure-8 dated 10th September, 2007.

It has further been submitted that similar reliefs have also been granted, as such Mr. Routray, learned Senior Counsel wants time to bring all these facts on record.

Accordingly and as prayed for by him, list this case on 30.07.2018 along with connected cases.

Question of limitation shall be considered at the time of hearing on merit.

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S. N. Prasad, J.

