



IN THE HIGH COURT OF ORISSA AT CUTTACK

FAO No.285 of 2026

***Maa Jagulei Upper Primary
School, Aradapada, Jajpur and
another***

.....

Appellants

Represented by Adv. –
Mr. Kunal Kumar Swain

-versus-

State of Odisha and others

.....

Respondents

Represented by Adv. –
Smt. Sasmita Nayak, ASC

CORAM:

THE HON'BLE MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER

21.05.2026

Order No.

02.

I.A. No.521 of 2026

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Appellants as well as learned counsel for the State-Respondents.
3. This I.A has been filed by the Appellants-Petitioners seeking condonation of delay in preferring the appeal.
4. On perusal of the Stamp Report, it appears that there is a delay of 2354 days in preferring the appeal before this Court.



5. Considering the grounds taken in the I.A and further keeping in view the fact that in many similar cases, this Court has entertained the condonation delay application and the delay has been condoned, the delay of 2354 days in filing the appeal is hereby condoned, subject to payment of a cost of Rs.2500/- (Rupees two thousand five hundred) to the Juvenile Justice Fund managed by the Member Secretary, Odisha State Legal Services Authority.

6. Accordingly, the I.A stands allowed.

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7. Heard the learned counsel for the Appellants as well as learned Additional Standing Counsel for the State-Respondents. Perused the appeal as well as the impugned order of the learned State Education Tribunal.

8. The Applicants before the State Education Tribunal have approached this Court by filing the present appeal thereby challenging the order dated 10.09.2019 passed in G.I.A. Case No.746 of 2013.

9. Learned counsel for the Appellants, at the outset, contended that the subject matter of the dispute in the present appeal is squarely covered by the ratio laid down by a coordinate Bench of this Court in *State of Odisha v. Ratnakar Mohapatra* decided in F.A.O. No.509 of 2014 vide judgment dated 19.03.2025. He further contended that such judgment of the coordinate Bench of this Court has been upheld by the Hon'ble



Supreme Court in SLP(C) No.6943 of 2026 vide judgment dated 25.03.2026.

10. Learned counsel for the Respondents, on the other hand, vehemently objected to the prayer made by the Appellants in the present appeal. He further contended that the Appellants were not eligible to get such grant-in-aid and that no such recommendation was made in their favour by the Competent Authority. He further submitted that, in the event, this Court directs the Respondents to re-examine the case of the Appellants with regard to their eligibility and recommendation, as has been directed by the Coordinate Bench in FAO No.509 of 2014 and a batch as well as the Hon'ble Supreme Court in its final judgment, and after such verification to pass necessary consequential order therein, she will have no objection to the same.

11. Considering the submission made by the learned counsels appearing for both the sides, this Court allows the appeal in terms of the judgment dated 19.03.2025 passed by a coordinate Bench of this Court in F.A.O. No.509 of 2014 and batch subject to the condition that the competent authority before applying the aforesaid judgment shall verify the factual background of the present case as well as the eligibility and entitlement of the Appellants as directed by the Hon'ble Supreme Court of India while deciding SLP(C) No.6943 of 2026 vide order dtd.25.03.2026 and in the event the competent authority comes to a conclusion that the factual background of present case is identical to one involved in F.A.O. No.509 of 2014 and batch and Appellants satisfy the eligibility and entitlement as directed



by the coordinate Bench eventually confirmed by the Hon'ble Supreme Court of India, then similar benefits be extended in favour of the present Appellants as has been done in F.A.O. No.509 of 2014.

12. With the aforesaid observation, the F.A.O. stands disposed of.

(A.K. Mohapatra)
Judge

Debasis/utkalika