



IN THE HIGH COURT OF ORISSA AT CUTTACK

CMAPL No.203 of 2025

Saroj Kumar Nayak & Ors.

.....

Petitioners

Represented by Adv. -
Subhadutta Routray

-versus-

State Of Odisha & Ors.

.....

Opposite Parties

Represented by Adv. –
A.Mohanty, A.S.C.

CORAM:

**THE HON'BLE MR. JUSTICE ADITYA KUMAR
MOHAPATRA**

ORDER

04.05.2026

Order No.

01.

I.A. No.271 of 2026

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioners as well as learned counsel for the State-Respondents.
3. This I.A has been filed by the Petitioners seeking condonation of delay.
4. On perusal of the Stamp Report it appears that there is a delay of 271 days in preferring and filing the abovenoted CMAPL application.
5. Learned counsel appearing for the Petitioners at the outset



contended that the Petitioners being aggrieved by the order passed by the learned State Education Tribunal dated 21.12.2018 in G.I.A Case No.423 of 2017 initially approached this Court by filing FAO No.301 of 2019. He further contended that the said FAO was dismissed due to non-prosecution on 09.08.2024. Accordingly, the Petitioners have approached this Court by filing the present CMAPL application for restoration of the appeal to refer by condoning the delay of 271 days.

6. Upon hearing the learned counsels appearing for the respective parties, on a careful examination of the grounds taken in the condonation delay application, the delay in preferring the CMAPL application is condoned, subject to payment of a cost of Rs.1000/- (Rupees one thousand) to the Advocates' Welfare Fund of Orissa High Court Bar Association.

7. Accordingly, the I.A stands allowed.

CMAPL No.203 of 2025

8. Heard the learned counsel for the Petitioners as well as learned Additional Standing Counsel for the State.

9. By filing the present CMAPL application, the Petitioners as appellants in FAO No.301 of 2019 seeks restoration of the aforesaid FAO which was dismissed due to non-prosecution vide order dated 09.08.2024.

10. On perusal of order dated 09.08.2024, this Court observed that a peremptory order was passed for removal of the defects, however, the same was not removed. As a result, the appeal has been dismissed due to non-prosecution.



11. Considering the submissions made by learned counsels appearing for both sides, on a careful examination of the application on the grounds taken therein, the CMAPL application stands allowed. The FAO is restored to file.

(A.K. Mohapatra)
Judge

Anil