



IN THE HIGH COURT OF ORISSA AT CUTTACK
FAO No.570 of 2019

State Of Odisha & Ors.

.....

Appellants

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

-versus-

***Managing Committee of Pandar
Sheela High School,
Narendrapur***

.....

Respondent

Represented by Adv. -
S.N.Sharma

CORAM:
THE HON'BLE MR. JUSTICE ADITYA KUMAR
MOHAPATRA

ORDER
13.07.2026

Order No.

05.

1. This matter is taken up through Hybrid mode.
2. On perusal of the record, it appears that pursuant to order dated 10.07.2023 passed in I.A No.591 of 2019 arising out of FAO No.570 of 2019, the State-Appellants has deposited a cost of Rs.50,000/- (Rupees Fifty Thousand) before the Registry of this Court.

I.A No.591 of 2019

3. I.A No.591 of 2019 has been filed by the Appellants-State with a prayer for condonation of delay of 239 days in filing the present FAO before this Court thereby challenging order dated 12.09.2018 passed in G.I.A case No.147 of 2012 by the learned State Education Tribunal, Odisha, Bhubaneswar.
4. Learned counsel for the Appellants-State, at the outset,



contended that the delay in filing the FAO was due to the procedural requirement as such the same should be condoned subject to payment of appropriate cost. He further contended that in many similar matters where the private parties have approached this Court by filing the appeal, this Court has been condoning the delay subject to payment of cost. On such ground, learned counsel for the State contended that while maintaining a parity between the State litigant as well as private litigant, the delay, if any, be condoned subject to payment of lesser amount of cost as has been directed to be paid by this Court vide order dated 10.07.2025.

5. Learned counsel for the Respondent, on the other hand, seriously objected to the condonation of delay. In course of his argument, learned counsel for the Respondent contended that the delay of 239 days has not been properly explained by the State-Appellants. As such, there is no ground to condone the delay. He further contended that the application of the Respondent-Applicant which was initially filed before the State Education Tribunal, Odisha was allowed and that the principle on which the same was allowed has already been confirmed by a Coordinate Bench of this Court which was eventually affirmed by the Hon'ble Supreme Court. In such view of the matter, learned counsel for the Respondent contended that there is no justification in condoning the delay as has been prayed for by the Appellants-State in the present I.A.

6. Considering the submissions made by learned counsels appearing for both sides, on a careful examination of the background facts, further taking note of the fact that in many similar cases wherein the private parties have approached this



Court as appellant and have filed FAO challenging the orders passed by the State Education Tribunal, Odisha, this Court has been condoning delay to provide an opportunity to such Opposite Parties. In many such cases, the delay is more than 5 years.

7. Taking into consideration the aforesaid submissions made by learned counsels appearing for both sides, the delay in filing the appeal by the State-Appellants is condoned subject to the payment of a Cost of Rs.5000/- (Rupees Five thousand). Accordingly, the order dated 10.07.2023 stands modified to the aforesaid extent. In view of the present order, the Appellants-State shall deposit a total cost of Rs.5000/- (Rupees Five thousand) to the Juvenile Justice Fund managed by the Member Secretary, Odisha State Legal Services Authority.

8. Accordingly, the I.A stands disposed of and the cheque stated to have been deposited by the State-Appellants be returned to the learned Additional Standing Counsel, who in turn shall file a fresh cheque of Rs.5000/- (Rupees Five thousand) within two weeks.

FAO No.570 of 2019

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

10. The Respondents before the State Education Tribunal have approached this Court by filing the present appeal thereby challenging the order dated 12.09.2018 passed in G.I.A. Case



No.147 of 2012.

11. Learned counsel for the State-Appellants, at the outset, submitted that initially a GIA case was preferred by the Respondents before the learned Tribunal with a prayer to modify approval of Teaching and non-Teaching staff of the School under Annexure-13 and to approve the appointment of the said applicant-Respondent as per Grant-in-Aid Order, 1994 and to release the grant-in-aid accordingly. Learned counsel for the State-Appellants submitted that such GIA case has been erroneously disposed in favour of the Respondents vide the impugned judgment dated 12.09.2018. Learned counsel for the State-Appellants submitted that the Respondent is in no way eligible to get such grant-in-aid and that no such recommendation was ever made in his favour by the Competent Authority.

12. Learned counsel for the Respondent, at this stage, 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.

13. Considering the submission made by the learned counsels appearing for both the sides, while dismissing the present appeal, this court directs that the State-Appellants shall re-consider the case of the Respondent in terms of the judgment dated 19.03.2025 of the Co-ordinate Bench in *State of Odisha v. Ratnakar Mohapatra*, which was confirmed in appeal by the Hon'ble Supreme Court, and



particularly, in terms of the direction given by the Co-ordinate Bench of this Court as well as the Hon'ble Supreme Court. In the event the Respondent is found to be eligible to receive such Grant-In-Aid and that there is a recommendation in his favour, necessary consequential order(s) be passed in accordance with law, within a period of three months.

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

(A.K. Mohapatra)
Judge

Anil