



IN THE HIGH COURT OF ORISSA AT CUTTACK

FAO No.806 of 2018

State of Orissa and another Appellants

Represented by Adv.-
Mr. Chandra Madhab Singh, ASC

-versus-

**Khirod Kumar Tripathy and Respondents
another**

Represented by Adv.-
Mr. S.K. Mishra, Advocate

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

**Order
No.**

**ORDER
04.05.2026**

04. **I.A. No.621 of 2026**

1. This matter is taken up through Hybrid mode.
2. This is an application at the instance of the I.A.-Petitioners to recall order dated 15.10.2019.
3. Learned counsel for the I.A-Petitioners at the outset contended that while disposing of the FAO the Hon'ble Division Bench earlier had granted liberty to the Respondents for revival of the FAO which was disposed of vide order dated 15.10.2019. He further submitted that pursuant to order dated 15.10.2019, the above noted I.A has been filed within time for recalling order dated 15.10.2019.
4. Heard learned counsel for the State-Appellants as well as learned counsel for the Opposite Party-



Respondents. Perused the I.A as well as the submissions made by learned counsel appearing for the parties.

5. Considering the submissions made by learned counsels appearing for both sides, this Court is inclined to order dated 15.10.2019. Accordingly, the same is hereby recalled and I.A. stands allowed.

6. The FAO No.806 of 2018 is restored to file.

FAO No.806 of 2018

7. Heard the learned Additional Standing Counsel for the State-Appellant as well as learned counsel for the Respondents Nos.1 & 10. Perused the appeal as well as the impugned order of the learned State Education Tribunal.

8. The Respondent before the State Education Tribunal has approached this Court by filing the present appeal thereby challenging the order dated 04.05.2018 passed in G.I.A. Case No.86 of 2013.

9. 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 set aside the order of rejection and to approve the appointment of the said applicant-Respondents 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 04.09.2017. Learned counsel for the State-Appellants submitted that the Respondents are in no way eligible to get such grant-in-aid and that no such recommendation was ever made in their favour by the Competent Authority.

10. Learned counsel for the Respondents, 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.

11. 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 Respondents 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 Respondents are found to be eligible to receive such Grant-In-Aid and that there is a recommendation in their favour, necessary consequential order(s) be passed in accordance with law, within a period of three months.

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

(Aditya Kumar Mohapatra)
Judge