



IN THE HIGH COURT OF ORISSA AT CUTTACK

FAO No.507 of 2022

CNR No. ODHC010912312022

M.C. of Sashidevi Girls High School, Chhatia

Appellant

Mr. S.K. Samal, Adv.

-versus-

State of Orissa & Others

Respondents

Mr. S.P. Das, ASC

CORAM:

THE HON'BLE MR.JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

21.08.2026

Order No. **I.A. NOs.1212 of 2026 & 1073 of 2025**

5. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.

2. Heard.

3. These applications have been filed seeking condonation of delay in filing the application for recalling of order dtd.04.05.2023.

4. It is contended that even though appeal filed by the Petitioner challenging the order passed by the Tribunal in G.I.A Case No.127 of 2018 was dismissed by this Court vide its order dtd.04.05.2023, but subsequently when similar claim was allowed by this Court in its judgment dtd.19.03.2025 in FAO No.509 of 2014 & batch, the Interim Application in I.A. No.1073 of 2025 was filed to recall order dtd.04.05.2023.

4.1. It is also contended that in the meantime judgment passed by this Court in FAO No.509 of 2014 & batch has been upheld by the Hon'ble Apex Court with dismissal of



a batch of Appeals so filed by the State vide order dtd.25.03.2026. It is accordingly contended that since similar matters after being allowed by this Court in its judgment FAO No.509 of 2014 and batch has been upheld by the Hon'ble Apex Court, the Appellant will be seriously prejudiced, if the delay in filing the application for recalling is not condoned and order dtd.04.05.2023 is not recalled.

5. Learned Addl. Standing Counsel on the other hand while opposing the prayer for condonation of delay as well as recalling of order dtd.04.05.2023, contended that since the Appeal was dismissed, much prior to disposal of FAO No.509 of 2014 and batch, the grounds taken for recalling of order dtd.04.05.2023 with condonation of delay may not be entertained by this Court.

6. Having heard learned counsel appearing for the parties and considering the submission made, this Court finds that Appeal filed by the Appellant in FAO No.507 of 2022 against order dtd.25.11.2019 of the State Education Tribunal in G.I.A Case No.127 of 2018, was dismissed by this Court vide order dtd.04.05.2023. However, similar claim when was allowed by this Court vide its judgment dtd. 19.03.2025 in FAO No.509 of 2014 and batch, appellant filed I.A. No.1073 of 2025 with a prayer to recall order dtd.04.05.2023.



6.1. It is further found that judgment passed by this Court in FAO No.509 of 2014 and batch, has been upheld by the Apex Court with dismissal of a batch of Civil Appeals vide its judgment dtd.25.03.2026.

6.2. Since similar claim after being allowed by this Court in its judgment in FAO No.509 of 2014 & batch has been upheld by the Apex Court, this Court is of the view that the delay in filling the application for recalling is required to be condoned and order dtd.04.05.2023 is also required to be recalled.

6.2. Therefore, this Court while condoning the delay in filing the application for recall, and recalling order dtd.04.05.2023, impose a cost of Rs.5,000/- (Rupees Five Thousand) on the Appellant-Petitioner. Such cost be deposited before the Juvenile Justice Fund of the Orissa High Court by 27.08.2026.

7. Both the I.As accordingly stand disposed of.

(Biraja Prasanna Satapathy)
Judge

6. FAO No.507 of 2022

1. List this matter before the assigned Bench.

(Biraja Prasanna Satapathy)
Judge

Signature Not Verified

Digitally Signed
Signed by: SANGITA PATRA
Reason: authentication of order
Location: high court of orissa, cuttack
Date: 27-Aug-2026 20:00:22

