



IN THE HIGH COURT OF ORISSA AT CUTTACK

FAO No.510 of 2023

**Managing Committee of
Jaya Bharati High
School, Aliganda**

Appellant
.... Mr. D.N. Rath, Adv.

-versus-

**State of Odisha &
others**

Respondents
.... Mr. P.K. Panda, ASC

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

29.07.2026

Order No

04.

I.A No.873 of 2026

1. This matter is taken up through hybrid mode.
2. This application has been filed seeking modification of the order dated 11.01.2024.
3. Learned counsel for the Appellant contended that vide order dated 11.01.2024 the appeal in question was dismissed on the ground of delay. It is further contended that similar appeal was dismissed by this Court on the ground of delay vide order dated 30.04.2025 in FAO No.338 of 2022. Not only review filed against order dated 30.4.2025 was also dismissed vide order dated 13.11.2025.
 - 3.1. Challenging both the order dated 30.4.2025 as well as order dated 13.11.2025, appellants in FAO



No.338 of 2022 moved the Hon'ble Apex Court in Special Leave Petition (Civil) Diary No(s).17559 of 2026.

3.2. It is contended that aforesaid Civil Appeal along with a batch to Special Leave Petitions were disposed of by the Hon'ble Apex Court vide order dated 25.03.2026 by holding that the claim of the Appellants being covered by an order passed by this Court in FAO No.509 of 2014 and batch, the appeals be also disposed of in the light of the order passed in FAO No.509 of 2014 and batch. (Order passed by the Hon'ble Apex Court in Special Leave Petition (Civil) Diary No(s).17559 of 2026 along with batch of Civil Appeals so produced in Court be kept on record).

3.3. It is accordingly contended that since similar appeal dismissed on the ground of delay with dismissal of review has been interfered with by the Hon'ble Apex Court and while disposing of the Civil Appeals, Hon'ble Apex Court has held that claim of the Appellant therein is covered by the order passed by this Court in FAO No.509 of 2014 and batch, order dated 11.01.2024 requires modification and the Appeal be disposed of in the light of the order passed in FAO No.509 of 2014 and batch, which has already been affirmed by the Hon'ble Apex Court.

4. Learned Addl. Standing Counsel, on the other hand, contended that since the appeal was dismissed on the ground of delay and review filed was also not



entertained this application for modification of order dated 11.01.2024 is not entertainable. It is also contended that order dated 11.01.2024 has to be challenged before the Hon'ble Apex Court and this application for modification is not maintainable. It is accordingly contended that the I.A be rejected.

5. Having heard learned counsel appearing for the parties and considering the submissions made, it is found that similar appeal was dismissed on the ground of delay by this Court in FAO No.338 of 2022 vide order dated 30.4.2025 and review filed was also dismissed vide order dated 13.11.2025 in RVWPET No.191 of 2025. Order dated 30.4.2025 and 13.11.2025 was the subject-matter of challenge before the Hon'ble Apex Court in Special Leave Petition (Civil) Diary No(s).17559 of 2026. It is found that in the aforesaid Civil Appeal along with a batch of Special Leave Petitions, Hon'ble Apex Court held that Appellants therein are covered by the order passed by this Court in FAO No.509 of 2014 and batch and accordingly disposed of the batch of the appeals vide order dated 25.3.2026.

5.1. Considering the nature of the order passed by the Hon'ble Apex Court in all these Special Leave Petitions, this Court is of the view that the order dated 11.01.2024 needs a modification. Accordingly, while holding so this Court is inclined to modify the order dated 11.01.2024 and condone the delay in filing the



appeal subject to payment of cost of Rs.7000/- (rupees seven thousand only) before the Juvenile Justice Fund managed by the Member Secretary, Odisha State Legal Services Authorities. The deposit be made by 31.07.2026.

6. The I.A stands disposed of.

(Biraja Prasanna Satapathy)
Judge

FAO No.510 of 2023

05. 1. Put up the appeal before the assigned Bench.

(Biraja Prasanna Satapathy)
Judge

Pradeep