



IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.20370 of 2026

Managing Committee of Basudev ***Petitioners***
U.P. School, Sandhagorada, Puri
and another

Represented by Adv. –
J. Biswal, Advocate

-versus-

State of Odisha & Ors. ***Opposite Parties***

Represented by Adv. –
D.K. Sahoo, A.G.A.

CORAM:

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

ORDER

08.07.2026

Order No.

01. 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-Opposite Parties. Perused the writ petition as well as the prayer made therein.
3. The petitioners have filed the present writ application with the following prayer:-

*“It is therefore, most humbly prayed that this
Hon'ble Court be graciously*

pleased to: -

i) Admit the writ application.

ii) Call for the records.

*iii) Issue a writ in the nature of Mandamus or any
other appropriate writ/writs, direction/directions,
directing the opposite parties. Particularly Opp. Party*



*Nos.1 to 3 to extend the service benefits to the employees of the petitioner's institution with effect from 01.06.1998 by treating the petitioner's institution as an aided educational institution under the Grant-in-Aid Order 1994, keeping in view the recommendation made by the Opp. Party No.2 dt.06.11.2003 under Annexure-1, by taking into account the ratio decided by this Hon'ble Court in the case of **State of Odisha & another Vrs. Ratnakar Mohapatra & another (F.A.O. No. 509 of 2014 & batch disposed of on 19.03.2025)** which has been made confirmed by the Hon'ble Apex court in **SLP(C) No.6943 of 2026 disposed of on 25.03.2026** and further the employees of the petitioner's institution may be extended with all other consequential, service and financial benefits as due and admissible within a reasonable time to be stipulated by this Hon'ble Court.*

iv) And/or pass any other order/orders, direction/directions as this Hon'ble Court deems fit and proper for the ends of justice.

And for the said act of kindness, the petitioner as in duty bound shall ever pray.”

4. It is stated by the learned counsel for the Petitioners that being aggrieved by inaction of the Opposite Party No.2 the Director Secondary Education Odisha, Bhubaneswar in disposing of the representation of the Petitioners dated 10.04.2026 at Annexure-4 to the writ application, the Petitioners have approached this Court by filing the present writ application. Learned counsel for the Petitioners further contended that many similar matters have been disposed of in terms of order passed by a coordinate Bench of this Court in FAO No.509 of 2014 disposed of on 19.03.2025 in the **State of Odisha and another vs. Ratnakar Mohapatra and another in (F.A.O. No.509 of 2014)**. In such view of the matter, learned counsel for the Petitioners contended that the Opposite Parties be directed to consider and dispose of the grievance of the



Petitioners by taking into consideration the ratio laid down in *Ratnakar Mohapatra' case* (supra).

5. Learned counsel for the State, on the other hand, objected to the maintainability of the present writ application on the ground that since the dispute involved in the present writ application pertains to release of grant-in-aid in favour of the present Petitioners, the Petitioners should have approached the learned State Education Tribunal instead of approaching this Court by filing the present writ application. He further contended that while considering the case of the Petitioners for release of the grant-in-aid, the Opposite Parties are required to test the eligibility and entitlement of the Petitioners as has been laid down by the Hon'ble Supreme Court in *Ratnakar Mohapatra's Case* (supra). On such ground, learned counsel for the State contended that the present writ application is not maintainable and that the same being devoid of merit, is liable to be dismissed.

6. Having regard to the submissions made by the learned counsels appearing for both sides, on a careful examination of the background facts and further taking note of the fact that the Petitioners have approached this Court challenging the inaction of the Opposite Party No.2 in disposing their representation at Annexure-4, this Court deems it proper to dispose of the writ application at the stage of admission by directing the Opposite Party No.2 to consider and dispose of the representation of the Petitioners in accordance with law by keeping in view the ratio laid down in *Ratnakar Mohapatra's case* (supra) and further verify the entitlement and eligibility of the present Petitioners, to such grant-in-aid as per the judgment of this Court which was confirmed by



the Hon'ble Supreme Court. Let a final decision be taken in the matter within a period of eight weeks from the date of production of certified copy of this order. The Petitioners approach the Opposite Party No.2 along with a copy of today's order. The grievance of the Petitioners shall be redressed by passing a speaking and reasoned order. Such final order be communicated to the Petitioners within ten days from the date of taking such decision. It is further made clear that this Court has not expressed any opinion on the merits of the matter, particularly, with regard to eligibility and entailment of the Petitioners which shall be considered by the Opposite Party No.2 while considering the representation of the Petitioners.

7. With the aforesaid observation/direction, the writ application stands disposed of.
8. Issue urgent certified copy of this order as per Rules.

(A.K. Mohapatra)
Judge

Jagabandhu