

Government of Odisha
Department of Higher Education

No. HE-FE-IV(A)-CASE-0001/2015 *10/31* /H.E., Dated *22-4-17*
From:

G.V.V. Sarma
Principal Secretary to Government.

To

The Director,
Higher Education, Odisha, Bhubaneswar.

Sub: Sanction of grant-in-aid in favour of different Non-Government educational institutions under GIA Order, 1994.

Ref: This Deptt. Letter No.39446/HE. Dated 01.06.1996 and order passed by Hon'ble Supreme Court in Civil Appeal No.796/2008-State of Orissa and Another-vrs-Prabhawati Padhiari.

Sir,

In inviting a reference to this Department Letter and Orders of Hon'ble Supreme Court cited above, on the above noted subject, I am directed to say that it is **needless to affirm that the provisions of the Odisha Education Act, 1969 prevail. Any Order deriving force from the original Act cannot be interpreted in contradiction or in repugnance to any provision therein.** If the provisions of main Act do not provide for grant-in-aid for persons and posts, no order purportedly passed under the main Act do not provide for such grant. As the Grant-in-Aid Order, 1994 in question has already been repealed on 5th February, 2004, the question of providing grant would be regulated by the provision of the Education Act. Therefore, the Odisha (Non-Government College, Junior College and Higher Secondary Schools) Grant-in-Aid Order, 1994 cannot have any overriding effect, as it stands repealed.

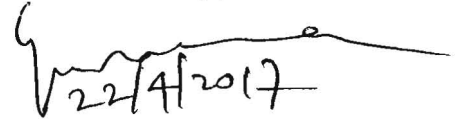
In view of the above facts, Govt. after careful consideration have decided to withdraw the administrative instruction contained in this Department Letter No.39446/HE, dated 01.06.1996, which is non-est in the eyes of law from 05.02.2004. It is again clarified that no grant-in-aid shall be extended in favour of any post and person in a Non Govt. Aided Educational Institution which complete the qualifying period

subsequent to 01.06.1994 in view of the Order of the Hon'ble Supreme Court in the Civil Appeal under reference where the cutoff date of 01.06.1994 for the purpose of extending Grant-in-Aid has been upheld.

It is once again reiterated that no benefit of grant-in-aid can lawfully flow to any teaching and non-teaching employee/post on the basis of the repealed Odisha (Non-Government Colleges, Junior Colleges and Higher Secondary Schools) Grant-in-Aid Order, 1994.

This has been concurred in by the Law Department vide their UOR No.2056/L, dated. 27.08.2016.

Yours faithfully,

A handwritten signature in black ink, followed by the date '22/4/2017' written below it.

Principal Secretary to Government