

Reference (w.p.(c) 3288/14

Kalpna ofshra & 3 others...  
College Petitions.  
Mahatma Gandhi Bhawan, Prayagrah,  
regarding Great-in-aid Rules 7(c) 1969.

- (i) Anon vs. Sarin & another 2014 ILR.  
(Full Bench decision) August 2014
- (ii) Pratap K. Nayak & others  
93 (2002) CLT - 79 (SC)
- (iii) Full Bench decision, numbered in  
as C 126/2004.
- (iv) P. K. Bahadur on 2003 (1) OLR - 91.  
Laxmi Devi Pati & others.



2014 (I) ILR - CUT- 205

A.K. GOEL, CJ, B. P. RAY, J & DR. A. K. RATH, J.

FULL BENCH

O.J.C. NO. 17629 OF 2001

ARUNA KUMAR SWAIN & ANR. ....Petitioners

.Vrs.

STATE OF ORISSA & ORS. ....Opp.Parties

A. ODISHA EDUCATION ACT, 1969 - S. 7-C(4)

Whether the Court under Article 226 of the Constitution of India can direct the Government for making necessary budgetary allocation for payment of Grant-in-aid to persons who are found eligible under the grant-in-aid order framed U/s.7 (4) of the Act, when Section 7-C (4) provides for grant-in-aid as per orders of the state it self and such order cannot be rendered ineffective by permitting plea of financial incapacity? – Held, if a case falls under the order covered by Section 7-C (4), it will create an enforceable right and the Court is bound to enforce the same under Article 226 of the Constitution – The judgment in Prafulla Kumar Sahoo's case is perfectly in consonance with the law laid down by the Apex Court and this Court finds no valid reason to take a different view – The reference is answered accordingly.

(Para 28)

B. CONSTITUTION OF INDIA, 1950 - ART. 226

Writ jurisdiction – Whether the Court under Article 226 of the Constitution can direct the Government for making necessary budgetary allocation for payment of Grant-in-aid to persons who are found eligible under the grant-in-aid order framed U/s. 7-C (4) of the Odisha Education Act, 1969 – Held, Yes.

(Para 26)

Case laws Referred to:-

- 1.93 (2002) CLT 79 (SC) : (State of Orissa-V- Pratap Kumar Nayak & Anr.)
- 2.2003(I) OLR-91 : (Prafulla Kumar Sahoo-V- State of Orissa & Ors.)
- 3.AIR 1962 SC 1543 : (Madanlal Fakirchand Dudhediya-V- Shree Changdeo Sugar Mills Ltd. & Ors.)
- 4.AIR 1993 SC 2178 : (Unni Krishnan J.P. & Ors.-V- State of A. P. & Ors.)
- 5.AIR 2005 SC 3226 : (P.A. Inamdar & Ors.-V- State of Maharashtra & Ors.)

