



**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**W.P.(C) No.783 of 2026**

***Suresh Ch. Nayak***

.....

***Petitioner***

Represented by Adv. –

Mr. Jyotirmay Gupta

*-versus-*

***State of Odisha and others***

.....

***Opposite Parties***

Represented by Adv. –

Mr. Aurobinda Mohanty, ASC

**CORAM:**

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

**ORDER**

**25.02.2026**

**Order No.**

- 03.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
  2. Heard the learned counsel for the Petitioner as well as the learned counsel for the State-Opposite Parties. Perused the writ petition as well as the documents annexed thereto.
  3. By filing the present writ petition, the Petitioner has made the following prayer:-

“The petitioner therefore humble prays that the Hon'ble Court may be graciously pleased to admit this case, issue notice to opposite parties for show cause and after hearing both the sides may be pleased to issue a writ of Mandamus/certiorari by directing the opposite parties particularly to O.P.No.-1 & 2 to take immediate steps to treat the petitioner at par with



that of the employees of aided educational institutions/ government institutions and to extend all such benefits including GPF and Pensioners benefits and to grant the same as decided in the judgment i.e judgment dated 28.09.2021 in W.P.(C) No. 23312 of 2020 (Prasanta Kumar Mohapatra & others -vs- State of Odisha and others) vide Annexure-3 on the basis of the office order dated 30.04.2024 vide Annexure-5 and vide Annexure-7 within a stipulated period with cost.

AND

Further be pleased to pass such orders (s) (s)/direction which this Hon'ble Court thinks fit and proper to this case.”

4. Learned counsel for the Petitioner, at the outset, contended that earlier the Petitioner approached this Court by filing W.P.(C) No.19610 of 2024. Such writ petition was disposed of by the coordinate Bench of this Court vide order dated 20.08.2024 with a direction to the Opposite Party No.1 therein, i.e. Commissioner-cum-Secretary to Government of Odisha, School & Mass Education Department, Lokseva Bhawan, Bhubaneswar to consider the representation of the Petitioner within a stipulated period of time. After disposal of the aforesaid writ petition, the Petitioner approached the Opposite Party No.1 in that writ petition by filing a representation. The Commissioner-cum-Secretary to Government of Odisha, School & Mass Education Department, Lokseva Bhawan, Bhubaneswar, vide order dated 18.12.2025 at Annexure-7, consider the representation of the Petitioner and dispose of the same by coming to the following conclusion:-



“Whereas, Higher Education Department/ Director Higher Education, Odisha are the cadre controlling authorities of all Teaching and Non-Teaching staff, who are working on deployment basis in Higher Secondary Schools under S&ME Deptt., and look after all service matters like Transfer and Posting, Promotion, Pension, Pay Fixation, Court Cases, Arrear Payments etc. of such employees as per the Govt. in S&ME Deptt., Office Order No.17833/SME dt. 16.08.2018 read with Addendum No.18999/SME dt. 30.08.2018 and the Corrigendum No.1583/SME dt. 21.01.2019 read with Notification No.20419/SME dt. 06.10.2019 and as such, the OP No.1 has no scope to dispose of the orders of the Hon’ble High Court at this level.

Accordingly, it is decided to refer the order of the Hon’ble High Court to the Higher Education Department to take appropriate action at their end and in compliance to the said order.

The order 20.08.2024 of the Hon’ble High Court, Orissa passed in W.P.(C) No.19610 of 2024 filed by Sri Suresh Chandra Nayak is compiled to the above extent.

All concerned be informed.

The order be communicated to the petitioner in Speed Post.”

5. In view of the aforesaid position, learned counsel for the Petitioner, at this juncture, contended that the present Opposite Party No.1-Commissioner-cum-Secretary, Higher Education Department, Lokseva Bhawan, Bhubaneswar be directed to consider the case of the Petitioner in view of the conclusion arrived at by the Commissioner-cum-Secretary, School & Mass Education Department, Lokseva Bhawan, Bhubaneswar vide its



order dated 18.12.2025 at Annexure-7 to the writ petition.

6. Learned counsel for the State, on the other hand, contended that although he has no specific instruction in the matter, however upon a careful scrutiny of order dated 18.12.2025 at Annexure-7, it appears that the issue involved in the present writ petition relates to the Higher Education Department. In such view of the matter, learned counsel for the State contended that in the event the present Opposite Party No.1 is directed to consider the case of the Petitioner strictly in accordance with law and within a stipulated period of time, he will have no objection to the same.

7. Having regard to the submissions made by the learned counsels appearing for the parties, further on careful examination of the background facts, as well as taking note of the order dated 18.12.2025 at Annexure-7 passed by the Commissioner-cum-Secretary to Government of Odisha, School & Mass Education Department, Lokseva Bhawan, Bhubaneswar, this Court deems it proper to dispose of the present writ petition with a direction the Opposite Party No.1 to consider the grievance of the Petitioner strictly in accordance with law and the grievance of the Petitioner be redressed by passing a speaking order within eight weeks from the date the Petitioner approaches the Opposite Party No.1 along with a copy of this order. The final decision so taken by the Opposite Party No.1 be communicated to the Petitioner within ten days thereafter. While considering the case of the Petitioner, the Opposite Party



No.1 shall also consider the applicability of the ratio laid down by this Court in ***Prasanta Kumar Mohapatra & Others v. State of Odisha & Others***, decided in W.P.(C) No.23312 of 2020 vide judgment dated 28.09.2021.

8. With the aforesaid observation and direction, the writ petition stands disposed of.

***(Aditya Kumar Mohapatra )***  
***Judge***

*Debasis*