



IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.4204 of 2026

Ramesh Chandra Sahoo

.....

Petitioner

Represented by Adv. -
Sushanta Kumar Mishra

-versus-

1) State Of Odisha

.....

Opposite Parties

2) Director Of Elementary Education,
Odisha

Represented by Adv. –

3) D.e.o., Balasore

Mr. A. Mohanty, ASC

4) B.e.o., Baliapala

CORAM:

MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER

26.02.2026

Order No.

03.

1. This matter is taken up through Hybrid mode.
2. Heard learned counsel for the Petitioner as well as learned Additional Government Advocate for the State. Perused the writ application as well as the documents annexed thereto.
3. By filing the present writ application the Petitioner has sought for the following relief:-

“It is therefore, most humbly prayed that this Hon'ble Court may be graciously pleased to:

i) Admit the writ application;

ii) Call for the records;

iii) Quash the illegal rejection order vide office order No.3735 dtd.30.12.2025 passed by the Block Education Officer, Baliapala (Opp. Party No.4) under Annexure-8 to the writ petition

iv) Direct to the Opp. Parties to extend the benefits of Annual increments in favour of the petitioner for the financial Year 2023-24 and 2024-25 as per the pay fixation made by the District Education Officer,



Balasore & the annual increments statement along with the application submitted by the Head Master of the School vide application dtd,03.08.2024 & application dtd.02.08.2025 to the Block Education Officer, Baliapala under Annexure-II Series taking account the Notification dtd.21.08.2024 & Resolution dtd.13.02.2025 under Annexure-8 & 9 to the writ petition within a stipulated time.

And further be pleased to pass any other order(s) /direction(s) as would be deemed just and proper in the interest of justice.

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

4. Learned counsel for the Petitioner at the outset contended that the Petitioner was initially appointed as an Assistant Teacher on 01.08.1990. Thereafter, he joined in service on 07.08.1990. While continuing as such, the post of the Petitioner was approved by the Government on 02.05.1992. Learned counsel for the Petitioner at this juncture contended that on 05.10.2015 the Finance Department, Government of Odisha passed a resolution thereby sanctioning release of RACP in favour of the employee of Aided Educational Institution in the State. He further contended that basing upon the resolution dated 05.10.2015 of the Finance Department, Government of Odisha, benefits have been given to several teachers who have been engaged in various Aided Educational Institution in the State of Odisha. He further contended that the DEO, Baliapala allowed RACP benefit in favour of the Petitioner vide order dated 23.08.2017.

5. While this was the position, the Director Elementary Education Odisha, Bhubaneswar vide order dated 28.01.2021 allowed the RACP benefits to the employees of the Aided Educational Institution. While the matter stood thus the BEO,



Baliapal vide order dated 06.09.2022 allowed MACP benefits in favour of the Petitioner.

6. While this one the position the dispute with regard to grant of RACP benefits to the employees of the Aided Educational Institution was the subject matter of the dispute before the Hon'ble Supreme Court in ***State of Odisha vs. Saraswati Bhoi*** in SLP(C) No.7374/7375 of 2024 which was disposed of along with a batch of similar other writ applications vide order dated 09.09.2025.

7. On perusal of a copy of the order which was produced before this Court, this Court found that in Para-3 and 4 of the order passed by the Hon'ble Supreme Court it has been clearly mentioned that on the basis of the statement made by the learned Advocate General for the State of Odisha that the Petitioners are covered by the policy decision dated 21.08.2024 and resolution dated 13.02.2025, which are at Annexures 9 and 10 to the present writ application, and on which the Petitioner is claiming the relief, the Hon'ble Supreme Court disposed of the pending SLP(C) directing the Petitioner-State to extend such benefit of RACP scheme by relaxing the criteria. For better appreciation, Para 3 and 4 of the order passed in ***Saraswati Bhoi's case*** (supra) is quoted hereinbelow;

“3. On the previous date, when the matter came up for hearing, learned Advocate General has apprised that the State Government has issued the policy dated 21.08.2024 and further Resolution dated 13.02.2025 to extend the benefit of RACP to the employees. After taking the said statement on record, it was observed that an affidavit be filed by an officer of the State indicating the fact that which of the cases are covered under these policies. The previous order dated 12.08.2025 is relevant and is reproduced thus:-



“1. Application for substitution are allowed.

2. As requested by learned counsel for the parties, De-tag SLP(C) Nos. 9054 of 2023, 13021, 11024, 9811, 5810, 11630 & 9810 of 2024 and SLP (C) Diary No.1202 of 2025 and list the above special leave petitions next week.

3. Mr. Pitambar Acharya, Advocate General for the State of Odisha has brought to our notice that Government of Odisha through Finance Department has issued the revised guidelines vide Notification No.FIN-SOS1-MISC-0064-2024/23782/F dated 21.08.2024 and Resolution No.FIN-CSI-AppL-0001-2025/5073/F dated 13.02.2025. It is submitted that most of the cases listed in this batch are covered by those guidelines and resolution. The directions of the High Court be implemented granting benefit to the respondents.

4. We acknowledge the said statement made at Bar and direct that the State of Odisha through the Officer-in-Charge shall file an affidavit within two weeks from today indicating the fact that the claim of the respondents is covered by this policy, further specifying the details of the case numbers which are covered and the judgment which is under challenged be implemented in terms of the said guidelines/resolution. On filing such affidavit within the time so specified, the respondents may verify the said fact within a week and at liberty to file affidavit in counter.



5. *List on 09.09.2025 on top of the Board.*

4. *Learned Advocate General present in the Court today has submitted that this batch of appeals is covered by both these policies referred in the above order and the Government has decided to extend the benefit of RACP scheme by relaxing the criteria. As such, they have accepted the directions as issued by the High Court and shall be complied with within a period of three months from today.”*

8. In view of the order passed by the Hon’ble Supreme Court in ***Saraswati Bhoi’s case*** (supra) as well as in the case of ***State of Odisha vs. Panchanan Panda*** in SLP(C) No.7389 of 2024 and a batch of other cases which was disposed of by order dated 09.09.2025, learned counsel for the Petitioner contended that the validity of the order in terms of the resolutions at Annexures 9 and 10 respectively has already been upheld by the Hon’ble Supreme Court. In such view of the matter, learned counsel for the Petitioner contended that the Petitioner is squarely covered by such policy decision under Annexures 9 and 10 and, the Opposite Parties by following the direction of the Hon’ble Supreme Court in ***Saraswati Bhoi’s case*** should have extended the benefits of the RACP scheme to the Petitioner. Having not done that the Opposite Parties have committed violation of the Hon’ble Supreme Court’s order. On such ground, learned counsel for the Petitioner contended that the Opposite Parties be directed to extend the benefit of RACP scheme in favour of the Petitioner.

9. Learned counsel for the State on the other hand contended that after disposal of the matters which are pending before the Hon’ble Supreme Court, the State Government examined the cases which are



covered under the policy decision taken under Annexure- 9 and 10 to the present writ application. In such view of the matter, learned counsel for the State contended that the Petitioner should have approached the State authorities instead of approaching this Court by filing the present writ application. On such ground, learned counsel for the State contended that in the event, this Court directs the Opposite Parties to consider the case of the Petitioner. Keeping in view, the order passed by the Hon'ble Supreme Court as well as the policy decision under Annexures 9 and 10, within a stipulated period of time will have no objection to the same.

10. Having regard to the submissions made by learned counsels appearing for the respective parties, on a careful examination of the factual background of the present case as well as the submission made by the learned counsel for the Petitioner taking note of the orders of the Hon'ble Supreme Court as has been discussed hereinabove and taking note of the policy decision at Annexures 9 and 10 to the present writ application, this Court deems it proper to dispose of the present writ application with a direction to the Opposite Party Nos.2 and 3 to reconsider the case of the Petitioner in the light of the policy decision taken at Annexures-9 and 10 and in the light of the order passed by the Hon'ble Supreme Court in ***Saraswati Bhoi's case*** (supra). In the event it is found that the Petitioner is covered by the principle laid down in the policy decision of the State Government, which was upheld by the Hon'ble Supreme Court in the above noted case, the Opposite Parties shall do the needful to extend similar benefit as is due and admissible to the Petitioner, including increment, within a period of three months from the date of communication of a certified copy of this order. It is further directed that the Opposite Party Nos. 2 and 3 while



considering the case of the Petitioner shall also take into consideration the letter No. 3857 dated 11.02.2026 of the Finance Department, Government of Odisha and letter No. 4588 dated 17.02.2026 of the School and Mass Education Department, Government of Odisha.

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

(Aditya Kumar Mohapatra)
Judge

Sisir