



IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.4959 of 2026

Sri Baikunthanath Bariki

.....

Petitioner

Represented by Adv. -
Swapna Kumar Ojha

-versus-

State Of Odisha and others

.....

Opposite Parties

Mr. S. Behera, AGA

CORAM:

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

ORDER

24.03.2026

Order No.

- 02.
1. This matter is taken up through Hybrid mode.
 2. Heard learned counsel for the Petitioner as well as learned counsel for the State-Opposite Parties. Perused the writ application as well as the documents annexed thereto.
 3. The Petitioner has filed the present writ application with the following prayer:

“Under the facts and circumstances stated above, it is therefore prayed that the Hon'ble Court may graciously be pleased to issue rule NISI calling upon the Opp. Parties to show cause as to why the writ in the nature of certiorari shall not be issued quashing the office order dated 19.09.2025 (Annex, 13) holding the same is illegal and arbitrary. Further, writ in the nature of Mandamus shall not be issued directing the Opp. Party no.4 to act upon the letter dated 22.10.2024 (Annex.11) and resubmit the proposal forthwith rectifying the 2nd RACP



w.e.f. 01.01.2013 with GP- Rs.4800/- and 3rd MACP w.e.f. 10.09.2016 with GP- Rs.5400/- of the petitioner within a stipulated period.

If the Opp.Parties failed to show cause or show insufficient cause, the rule may be made absolute.

***And** direct the Opp. Parties to extend all consequential & financial benefits consequence to such rectification of mistake committed by the Opp.Parties.*

***And** further be pleased to pass any other order(s) as deemed fit and proper for the ends of justice;”*

4. Learned counsel for the Petitioner at the outset contended that the Petitioner was initially appointed as Asst. Teacher on ad-hoc basis w.e.f. 08.01.1983. Thereafter, on being selected through a valid selection process, the Petitioner was appointed as Headmaster of Kuanlo, M.E. School by the Secretary of the School temporarily against a vacant post. He further submitted that necessary approval was obtained from competent authority on 24.03.1987. Thereafter, pursuant to the Validation Act, 1989 the service of the Petitioner was regularized as Asst. Teacher from 08.01.1983 to 10.09.1986 by order of the Inspector of the School dated 31.03.1994. Learned counsel for the Petitioner at this juncture contended that after regularization of the service of the Petitioner he was getting the TBA & ACP benefits at the Headmaster level-III under ORSP Rules, 1998 & ORSP Rules, 2008. While this was the position, the Petitioner was promoted to the post of Sub-Inspector of Schools, Athagarh Block on 08.11.2013.

5. Learned counsel for the Petitioner further submitted that the



BEO, Banki submitted service record of the Petitioner for sanction of 2nd RACP benefits in favour of the Petitioner on 24.09.2014. However, the date of entry of the Petitioner into service was erroneously mentioned as 11.09.1986. The DEO, Cuttack granted RACP benefits in favour of the Petitioner w.e.f. 14.10.2014 taking into consideration the date of entry of the Petitioner into service as 08.01.1983. Thereafter, the BEO, Banki forwarded the C.C.R.s of the Petitioner and other relevant documents to the office of the Director, Elementary Education, Odisha for necessary sanction of MACP benefits upon completion of 30 years of service of the Petitioner under the ORSP Rules, 2017 vide his letter dated 11.09.2019. Since no decision was taken, the Petitioner was compelled to submit a representation before the DEO, Cuttack claiming the benefits of 3rd MACP w.e.f. 10.09.2016. The DEO, Cuttack intimated the BEO, Banki that the Petitioner is entitled to get 3rd MACP benefits vide letter dated 10.01.2020. While this was the position, the learned counsel for the Petitioner contended that the Petitioner, on attaining the age of superannuation, has retired from service w.e.f. 30.11.2019. After his retirement, the Petitioner was issued with the PPO indicating therein that his initial date of appointment is 11.09.1986.

6. Earlier the Petitioner approached this Court by filing W.P.(C) No.6685 of 2021 for a direction to the Opposite Party No.2 to dispose of his representation. Initially the representation of the Petitioner was rejected by the Director, Elementary Education, Odisha vide order dated 13.09.2021. Challenging such order the Petitioner again approached this Court by filing W.P.(C) No.22932 of 2022. The said writ petition was disposed of vide order dated



12.09.2023. After disposal of the second writ petition the Petitioner again approached the Opposite Parties by filing a representation on 26.09.2023. Since such representation was not taken up for consideration, the Petitioner was compelled to submit reminders before the BEO, Banki and DEO, Cuttack. On 02.04.2024 the DEO, Cuttack requested the BEO, Banki to furnish the original service book of the Petitioner for consideration of his grievance. Finally, the DEO, Cuttack vide his order dated 22.10.2024 intimated the BEO, Banki for revision of RACP/MACP benefits in favour of the Petitioner. On perusal of the letter dated 22.10.2024 at Annexure-11, it appears that the ADEO, Cuttack has informed the BEO, Banki that it has been decided to revise the RACP allowed in favour of the Petitioner taking his first appointment date as 11.09.1986 in place of 08.01.1983. Accordingly, the original service book was returned to the BEO, Banki for resubmission of the same with necessary correction. Thereafter, the Opposite Party No.2 passed the impugned order dated 19.09.2025 at Annexure-13 rejecting the claim of the Petitioner for revision in his RACP/MACP benefits and consequential revision in the pensionary benefits. On perusal of the impugned rejection order dated 19.09.2025 at Annexure-13, it appears that the Opposite Party No.2 has rejected the prayer of the Petitioner by referring to a letter of the Director, Elementary Education, Odisha dated 13.09.2021.

7. Considering the submissions made by the learned counsels appearing for the respective parties, on a careful analysis of their submission and on a close scrutiny of the factual backgrounds as well as the impugned order dated 19.09.2025 at Annexure-13, this Court found that two conflicting orders have been passed by two



different authorities, i.e. one by the DEO, Cuttack dated 22.10.2024 at Annexure-11 and another by the BEO, Banki dated 19.09.2025 at Annexure-13. The DEO, Cuttack in his letter at Annexure-11 has recommended for grant of RACP/MACP benefits in favour of the Petitioner. However, the BEO, Banki vide his order dated at Annexure-13 rejected such prayer. In view of the aforesaid anomaly, this Court is of the view that the matter is required to be considered by the Director, Elementary Education, Odisha. In such view of the matter, the present writ petition is being disposed of by directing the Director, Elementary Education, Odisha to consider the whole issue taking into consideration the orders passed by the BEO, Banki as well as the DEO, Cuttack at Annexures-11 & 13 respectively and pass necessary consequential orders within eight weeks thereon. In the event the Director, Elementary Education, Odisha-Opposite Party No.2 holds that the Petitioner is entitled to the RACP/MACP benefits, then necessary consequential orders to be passed for grant of such benefits in favour of the Petitioner as well as the consequential financial and pensionary benefits as would be due and admissible to the Petitioner.

8. With the aforesaid observations/directions, the writ application stands disposed of.

Issue urgent certified copy of this order as per Rules.

(Aditya Kumar Mohapatra)
Judge