



IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.6246 of 2026

Dayanidhi Behera

.....

Petitioner

Represented by Adv. -
Dhaneswar Behera

-versus-

State Of Orissa and other

.....

Opposite Parties

Mr. C.M. Singh, ASC

CORAM:

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

ORDER

26.02.2026

Order No.

- 01.
1. This matter is taken up through Hybrid mode.
 2. Heard learned counsel for the Petitioner as well as learned Additional Standing Counsel for the State-Opposite Parties. Perused the writ application as well as the prayer made therein.
 3. The Petitioner has filed the present writ application with the following prayer:

"It is therefore prayed that this Hon'ble Court may graciously be pleased to;-

i) Admit the writ application;

ii) Call for the records;

iii) Issue a writ of Mandamus directing Opp. Parties to grant RACP/MACP benefits to the petitioner's as per the Finance Department resolution dated 06.02.2013 read with the judgment pronounced in O.A. No. 1668/2017 disposed of on 09.10.2018, W.P. (C) No. 6698/2020 disposed of on 13.03.2020 and SLP © No. 15573/2020 disposed of on 04.01.2021 and the Director Secondary Education letter dated 14.07.2022 by computing the entire period of service



rendered during the pre-taken over period w.e.f. receiving of grant within a reasonable time to be stipulated by this Hon'ble court.

iv) And/or pass such other order/orders, direction/directions as this Hon'ble Court may think fit and proper for the ends of Justice."

4. Learned counsel for the Petitioner at the outset contended that the Petitioner has approached this Court with a prayer for a direction to the Opposite Parties to grant RACP/MACP benefits to the Petitioner in terms of the Finance Department resolution dated 06.02.2013 and by following the decision of the State Administrative Tribunal in O.A. No.1668 of 2017 by the learned O.A.T. which was confirmed by Division Bench of this Court in ***State of Odisha v. Ashok Kumar Mohapatra*** W.P.(C) No.6698 of 2020 vide order dated 13.03.2020 and which was eventually upheld by the Hon'ble Apex Court in SLP(C) No.15573 of 2020. Learned counsel for the Petitioner at this juncture contended that in view of the settled principle of law, the Petitioner is entitled to get the RACP/MACP benefits. However, he has not been extended with such benefits. He further contended that the case of the Petitioner is squarely covered by the ratio laid down in ***Ashok Kumar Mohapatra's case*** (*supra*).

5. Learned counsel for the State on the other hand contended that the Petitioner has not approached the Competent Authority, i.e. Opposite Party No.3, District Education Officer, Mayurbhanj, for redressal of his grievance. In such view of the matter, learned counsel for the State contended that the petitioner should approached the Opposite party No.3 for redressal of his grievance and any direction by this Court to the Opposite Party No.3 to consider the



case of the Petitioner in accordance with law would not be objected to by the counsel for the State.

6. Considering the submissions made by the learned counsel for the respective parties, on a careful examination of the background facts, further taking note of the fact that the issue involved in the present writ application has already been adjudicated and has attained finality in *Ashok Kumar Mohapatra's case (supra)*, this Court deems it proper to dispose of the writ application at the stage of admission by granting liberty to the Petitioner to approach the Opposite Party No.3 by filing a detailed representation within two weeks from today taking therein all the grounds along with all supporting documents. In such eventuality, the Opposite Party No.3 shall do well to consider the case of the Petitioner by passing a speaking and reasoned order, strictly in accordance with law and taking note of the ratio laid down in *Ashok Kumar Mohapatra's case (supra)* within eight weeks. The final decision so taken be communicated to the petitioner within ten days thereafter.

7. With the aforesaid observations and directions, the writ application stands disposed of.

(Aditya Kumar Mohapatra)
Judge