



IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.9007 of 2026

Shuvankar Mishra & Ors.

.....

Petitioner

Represented by Adv. -
Bijaya Kumar Behera 1

-versus-

State of Odisha & Ors.

.....

Opposite Parties

Represented by Adv. –
D.K.Sahoo, A.G.A.

CORAM:

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

ORDER

25.03.2026

Order No.

01.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).

2. Heard learned counsel appearing for the Petitioners as well as learned Additional Govt. Advocate appearing for the State- Opposite Parties. Perused the writ application as well as the documents annexed thereto.

3. The Petitioners have filed the present writ application with the following prayer:

“It is therefore most respectfully prayed that, this Hon’ble Court may graciously be pleased to:-

A. Admit this writ application.

B. As to why the notice dated 20.02.2026 issued by the District Education Officer, opp. party no. 4 so far as the opp. party nos. 7 and 8 are concerned, under Annexure-5 shall not be quashed, and,

C. As to why the opposite parties more particularly



opp. Party nos. 3 and 4 shall not be directed to finalize the Pension/Family Pension, Gratuity as well as other retirement benefits of the late sister of the petitioner namely Miss Meghamala Mishra, in favour of the petitioners, and to provide the same to the petitioners as the legal heirs of the deceased Govt. employee, Instead of the opp. party nos. 7 and 8, and,

D. And as to pass such other order or orders as this Hon'ble Court deem fit and proper.

And on their failure to show cause or showing in sufficient cause, this Hon'ble Court be pleased to make the said RULE absolute by way of issuing appropriate writ or writs, order or orders in the facts and circumstances of the present case.”

4. Learned counsel for the Petitioners at the outset contended that the deceased government employee, who happens to be sister of the present Petitioners, was appointed as Headmistress in Palasahi Girls' High School on 25.06.1981. Thereafter, she was appointed as Headmistress in Akhandalamani Nodal High School, Aradi, on 30.06.1988. While this was the position, the father of the deceased government employee died on 31.03.2008 and the deceased government employee vide her request dated 31.01.2021 requested the DEO, Bhadrak to incorporate her younger sister, Indubala Mishra, as her nominee in her service book. While working as such, the deceased government employee, on attaining the age of superannuation, retired from service on 31.01.2021, while she was working as Headmistress in the government high school, i.e., Akhandalamani Nodal High School, Aradi. Finally, on 21.02.2021, the government employee died. Thereafter, the mother of the deceased government employee passed away on 16.07.2021.



5. After the death of the deceased government employee, there arose a dispute among the surviving legal heirs with regard to receiving the retiral dues as is due and admissible to the deceased government employee. Legal heir certificate was issued in favour of the Petitioners by the competent authority on 02.07.2021, indicating therein that they are the legal heirs of the deceased government employee. Again, another legal heir certificate was issued in favour of the Opposite Party Nos.7 and 8 on 24.01.2022. While the dispute remained unresolved, the Opposite Party No.4, i.e., DEO, Bhadrak, issued a notice to the Opposite Party Nos.7 and 8 to hear them with regard to the dispute of payment of the retiral dues as well as family pension as is due and admissible to the legal heirs of the deceased government employee.

6. Learned counsel for the Petitioner at this justice contended that the Petitioners pursuant to the aforesaid notice appeared before the Opposite Party No.4 and they have filed their detailed reply along with all supporting documents. The Petitioners have also filed their objection before the Opposite Party No.4 with regard to issuance of legal heir certificate in favour of Opposite Party Nos.7 and 8. He further contended that the Opposite Party No.8 is a government employee and Opposite Party No.7 is receiving family pension as is due and admissible to her late husband, who was a government employee. In such view of the matter, learned counsel for the Petitioners contended that the Petitioners are entitled to get the retiral dues as well as the family pension, if any, as is due and admissible to the deceased government employee.

7. Learned counsel for the State on the other hand contended that although he has no specific instruction in the matter, however,



on a careful examination of the pleadings in the writ application, it appears that the dispute is pending before the Opposite Party No.4, i.e., DEO, Bhadrak. He further submitted that as is evident from the letter dated 20.02.2026 at Annexure-5, the DEO, Bhadrak, has already issued notice to the legal heirs of the deceased government employee to finalize their claim. In such view of the matter, the learned Additional Government Advocate contended that since the dispute is pending before the District Education Officer, Bhadrak, Opposite Party No.4, he will have no objection if this court directs the Opposite Party No.4 to resolve the dispute in accordance with law, after providing opportunity of hearing to all concerned parties, within a stipulated period of time.

8. Considering the submissions made by learned counsels for the respective parties, on a careful examination of the background facts, further keeping in view the limited nature of the dispute involved in the present writ application and the fact that the same is pending for adjudication before the DEO, Bhadrak, Opposite Party No.4, this Court deems it proper to dispose of this writ application at the stage of admission by directing the Opposite Party No.4 to resolve the dispute with regard to the legal heirs of the deceased government employee after providing due opportunity of hearing to all concerned parties. The dispute among the parties shall be disposed of by passing a speaking and reasoned order within a period of eight weeks from the date of communication of a copy of today's order. The final decision so taken be communicated to all concerned parties. It is further made clear that the disbursal of the retiral dues and any other financial benefits which is due and admissible to the deceased government employee shall only be



disbursed after resolution of the dispute as has been directed hereinabove.

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

Issue urgent certified copy of this order as per Rules.

(A.K. Mohapatra)
Judge

Anil