



IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.8649 of 2026

Kalpana Manjari Nayak

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Petitioner

Represented by Adv. –
Mr. Tushar Kanta Nayak

-versus-

State of Odisha and others.

.....

Opposite Parties

Represented by Adv. –
Smt. Sasmita Nayak, ASC

CORAM:

THE HON'BLE MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER

23.03.2026

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 petition as well as the documents annexed thereto.
3. The Petitioner has filed the present writ petition with the following prayers:-

“It is therefore prayed that this Hon'ble Court may graciously be pleased to admit the writ application, call for the records, and after hearing the parties issue writ in the nature of Mandamus or any other appropriate Writ(s) /Direction(s) directing the Opp. Parties to grant 3rd RACP /MACP benefits to the petitioner as per the Finance Department resolution dtd. 06.02.2013 read with the judgment of the learned Odisha Administrative Tribunal, Bhubaneswar passed in O.A. No.1668 of 2017 and confirmed by this Hon'ble Court in W.P.(C) No.6698 of 2020 and the Hon'ble Apex Court in SLP(c) No.15573 of 2020 as well as letter of the Director of



Secondary Education dtd. 14.07.2022 by computing the entire period of service rendered during the pre-taken over period w.e.f. receiving of grant.

And / or pass such other order / orders, direction /directions as deems fit and proper in the interest 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, Keonjhar, for redressal of her grievance. In such view of the matter, learned counsel for the State contended that the Petitioner should approach the Opposite party No.3 for redressal of her 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 appearing 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 fresh representation within three 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 representation of the Petitioner in accordance with law and taking note of the ratio laid down in *Ashok Kumar Mohapatra's case (supra)* and dispose of the same by passing a speaking and reasoned order within a period of eight weeks from the date of filing of such representation. 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

Debasis