



IN THE HIGH COURT OF ORISSA AT CUTTACK
WP(C) No.11247 of 2026

Rohitaswa Nath

.....

Petitioner

Represented by Adv. -
Sharmistha Samal

-versus-

State of Odisha and others

.....

Opposite Parties

Represented by Adv. –

Mr. D.K. Sahoo, AGA

CORAM:

MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER

21.04.2026

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner as well as learned Additional Government Advocate appearing for the State-Opposite Parties. Perused the writ petition as well as the documents annexed thereto.
3. The present writ petition has been filed by the Petitioner with the following prayers:-

“Under the above circumstances, it is humbly prayed that the writ petition may be allowed;

And

*a) a writ of mandamus or an appropriate writ may be issued commanding the opposite parties to grant the Pension and Pensionary benefits in favour of the petitioner upon her retirement from service 30.09.2025 in accordance with the provisions contained in the Orissa Aided Educational Institutions Employees Retirement Benefits Rule, 1981, keeping in view the ratio decided by this Honble Court in the case of **Sarat Chandra Parida-Vrs-State of Odisha & Ors**; reported*



*in 2015(II)1LR CUT-94 which has been upheld by the Hon'ble Apex Court in SLP (C) CC No.(S)761 of 2016 disposed of on 19.01.2016 (**State of Odisha-Vrs-Sarat Chandra Parida**) and also in the case of **Hemant Kumar Chhotaray -Vrs-State of Odisha and others** in (W.P(C)No. 17067 of 2023 disposed of on 12.01.2024) along with batch of cases within a time to be stipulated by this HonTDle Court and his arrear pension may also be calculated and paid his forthwith;*

And pass such other or further order or orders as the Hon'ble Court may deem fit and proper to the facts and circumstances of the case;

And for this act of kindness the petitioners as in duty bound shall ever Pray.”

4. Learned counsel for the Petitioner, at the outset, contended that the case of the Petitioner is squarely covered by the judgment of this Court dated 12.01.2024 passed in W.P.(C) No.17067 of 2023 in the matter of **Hemanta Kumar Chhotaray vs. State of Orissa & Ors.** In such view of the matter, learned counsel for the Petitioner contended that inaction of the Opposite Parties in extending similar benefits in favour of the petitioner is highly illegal and that necessary direction to be given to the Opposite Parties to consider the case of the Petitioner in terms of the ratio laid down by this Court in **Hemanta Kumar Chhotaray's** case (supra).

5. Learned counsel for the State, on the other hand, submitted that the Petitioner has approached this Court without approaching the Opposite Parties for redressal of his grievance. In such view of the matter, learned counsel for the State contended that in the event this Court directs the Opposite Parties to consider the representation of the Petitioner, provided the Petitioner files a representation for redressal of his grievance, within a stipulated period of time and strictly in accordance with law, he will have no



objection to the same.

6. Having heard the learned counsels appearing for the respective parties, on a careful examination of the background facts, further taking into consideration limited nature of the grievance and the fact that the Petitioner has not approached the Opposite Parties before approaching this Court, this Court deems it proper to dispose of the writ petition at the stage of admission by granting liberty to the Petitioner to approach the Opposite Party No.1 by filing a detailed representation taking therein all the grounds along with supporting documents and copies of the judgments relied upon by the Petitioner in support of his claim within three weeks from today. In such eventuality, the Opposite Party No.1 shall do well to consider the representation of the Petitioner in accordance with law and by applying ratio laid down by this Court in the judgment dated 12.01.2024 as has been referred to hereinabove and dispose of the representation of the Petitioner by passing a speaking and reasoned order within eight weeks from the date of communication of a copy of today's order. The final decision so taken be communicated to the Petitioner within ten days thereafter.

7. With the aforesaid observation, the writ application stands disposed of.

Issue urgent certified copy of this order as per Rules.

(Aditya Kumar Mohapatra)
Judge