

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.23893 of 2019

Benumadhab Mohapatra **Petitioner**

Mr. Kali Prasanna Mishra, Advocate

-versus-

State of Odisha and others **Opp. Parties**

Mr. Manoj Kumar Khuntia, Addl. Govt. Advocate

CORAM:
JUSTICE JASWANT SINGH
JUSTICE M.S. SAHOO

ORDER (Oral)

08.02.2022

Order No.

13. **1.** This matter is taken up through hybrid mode.
- 2.** Mr. Khuntia, learned Additional Government Advocate has raised a preliminary objection that the vires of the provisions of RACP Scheme having not been challenged before the learned Administrative Tribunal, cannot be challenged for the first time before this Court in the present writ petition. In support, cites the Constitution Bench judgment of the Hon'ble Supreme Court rendered in ***L. Chandra Kumar v. Union of India and others***, 1997 AIR SCW 1345. He has further relied upon ***Secretary, Government (NCT of Delhi) and Others v. Grade-I Dass Officers' Association and others***, (2014) 13 SCC 296, para 14 and 15 to canvass that the meagerness of the benefit in relation to what is granted to others constitutes no basis for maintaining a challenge. Reliance is also placed on ***Union of India and Others v. M.V. Mohanan Nair***, (2020) 5 SCC 421.
- 3.** Learned counsel for the petitioner prays for time.

4. List on 22nd April, 2022.

(Jaswant Singh)
Judge

(M.S. Sahoo)
Judge

February 8th 2022
Cuttack

Gs/Radha

