



**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**WP(C) No.28619 of 2019**

***Prabir Kumar Mohanty***

.....

***Petitioner***

Mr. A.K. Mohanty(A), Advocate

-versus-

***State of Odisha&Ors.***

.....

***Opposite Parties***

Mr. M.R. Mohanty, AGA

Mr. B.K. Dash, Advocate

(Opp. Party Nos. 2 & 3)

**CORAM:**

**THE HON'BLE MR. JUSTICE BIRAJA PRASANNA SATAPATHY**

**ORDER**

**01.05.2025**

**Order No.19**

1. This matter is taken up through hybrid mode.
2. Heard Mr. A.K. Mohanty(A), learned counsel appearing for the Petitioner, Mr. M.R. Mohanty, learned Addl. Govt. Advocate appearing for the State-Opp. Party and Mr. B.K. Dash, learned counsel appearing for Opp. Party Nos. 2 & 3.
3. Pursuant to order dtd.02.04.2025 learned counsel appearing for the University produced the instruction so provided by the University in Court. The same be kept in record.
4. The present writ petition has been filed inter alia with the following prayer:-

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

*i) Admit the writ petition;*

*ii) Issue Rule NISI calling upon the Opp. parties to show cause as to why the decision dt.20.11.2008 (Annexure-7) and advertisement dt.19.6.2009 (Annexure-8/A) so far the post of*



*Chief Librarian issued by Opp. parties No.2 and 3 shall not be quashed and the Opp. parties No.2 and 3 shall not be directed to give promotion to the petitioner to the post of Chief Librarian with all consequential financial benefits;*

*And*

*If the Opp. parties do not show cause or shows insufficient cause the impugned decision dt.20.11.2008 (Annexure-7) so far the post of Chief Librarian is concerned and advertisement dt.19.6.2009 (Annexure-8/A) may be quashed and the Opp. parties No.2 and 3 may be directed by issuing a writ of mandamus to give promotion to him to the post of Chief Librarian with all consequential financial benefits and the writ petition may be allowed with cost;*

*iii) Further be pleased to pass any other writ / writs, order/orders, direction/ directions as this Hon'ble Court deem fit and proper for the ends of justice;*

*And pass any other order(s)/writ(s)/direction(s) as may deem fit and proper for ends of justice;*

*And for this act of kindness, the petitioner as in duty bound shall ever pray."*

5. It is contended that even though Petitioner was allowed to continue as In-Charge Chief Librarian while continuing under the University, but on his retirement, he was not extended with the retiral benefits as due and admissible as against the post of Chief Librarian.

5.1. It is contended that similarly situated In-Charge Chief Librarian namely one Nilakantha Sarangi got the benefit of retiral benefit as against the post of Chief Librarian. In support of his submission reliance was also placed to a decision of this Court



passed on 09.08.2024 in W.P.(C) No. 8323 of 2009. It is accordingly contended that Opp. Party-University be directed to consider the claim of the Petitioner to get the retiral benefit as against the post of Chief Librarian as has been extended in favour of Sri Nilakantha Sarangi vide order at Annexure-6.

6. Learned counsel appearing for the University on the other hand basing on the stand taken in the counter affidavit contended that since Nilakantha Sarangi was granted officiating promotion and Petitioner was allowed to remain as In-Charge Chief Librarian in addition to his own duties, both cannot be equated as having holding similar post.

7. Having heard learned counsel appearing for the Parties and considering the submissions made, this Court while disposing the writ petition, directs the University to take a decision on the Petitioner's claim taking into account the long continuance of the Petitioner as against the post of In-Charge Chief Librarian and so also the decision rendered in W.P.(C) No. 8323 of 2009 as cited (supra).

7.1. This Court directs the University to take a fresh decision within a period of three (3) months from the date of receipt of this order. Petitioner is permitted to provide a copy of this order along with the order passed in W.P.(C) No. 8323 of 2009 before Opp. Party No. 2 for compliance.

8. The writ petition is disposed of accordingly.

Signature Not Verified

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Signed by: SNEHANJALI PARIDA  
Reason: Authentication  
Location: High Court of Orissa, Cuttack  
Date: 06-May-2025 19:35:32



**(BIRAJA PRASANNA SATAPATHY)**

**Judge**