



IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.28713 of 2024

Prasanta Kumar Dutta

.....

Petitioner

Represented by Adv. -
Shashanka Shekhar
Patra

-versus-

State of Odisha & Ors.

.....

Opposite Parties

Represented by Adv. –
Sasmita Nayak, A.S.C.

CORAM:

THE HON'BLE MR. JUSTICE ADITYA KUMAR

MOHAPATRA

ORDER

23.03.2026

Order No.

04.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner as well as learned counsel for the State. Perused the pleadings of the respective parties.
3. Learned counsel for the Petitioner at the outset contended that being aggrieved by the illegal action of the Opposite Parties in withdrawing the RACP benefit which was granted in favour of the Petitioner, the Petitioner has approached this Court by filing the present writ application. He further submitted that the Petitioner falls within alleged drawal category of non-government aided school. Further referring to the pleadings in the writ application, learned counsel for the Petitioner contended that the Petitioner was initially appointed as a teacher. Thereafter, he continued in service and completed his B.Ed qualification on 01.10.1994. Learned counsel for the Petitioner at this juncture contended that initially



pursuant to the decision of the Director, Secondary Education, the Petitioner was extended with the RACP benefit. However, such decision was reversed by the Director, Higher Secondary Education awaiting instruction from the Government. He further contended that similarly situated teachers working in different districts of the State are getting RACP benefit, however, the present Petitioner is deprived off such benefit.

4. Counter affidavits have been filed on behalf of the Opposite Party Nos.3 & 4. However, no counter affidavit has been received from the State-Opposite Parties, particularly, the Opposite Party No.2- Director, Secondary Education, Government of Odisha.

5. On perusal of the record, it appears that the impugned decision to withdraw the RACP benefit was taken up by the Opposite Party No.2. However, no counter affidavit has been filed on behalf of the Opposite Party No.2.

6. On the request of learned counsel for the State, she is granted four weeks' time, as a last chance, to file her counter affidavit, failing which this Court shall proceed and adjudicate the matter presuming that the Opposite Party No.2 has no objection to the prayer made in the writ application. Let the counter affidavit be filed within the aforesaid time, after serving a copy thereof on learned counsel for the Petitioner.

7. List this matter in the week commencing 11.05.2026.

(A.K. Mohapatra)
Judge