



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.35242 of 2025

Sri Niranjan Swain

....

Petitioner

Mr. K.K. Swain, Advocate

-Versus-

State of Odisha & Others

....

Opposite Parties

Mr. S.B. Mohanty, AGA

CORAM:

JUSTICE DIXIT KRISHNA SHRIPAD

ORDER

12.12.2025

Order No.
01.

Petitioner in this writ petition seek for a direction to District Education Officer, Odisha, Dhenkanal Opposite Party No.3 to take appropriate steps for releasing the benefit of gratuity of 16 ½ months pay instead of 7 ½ months pay (pensionary benefits) to the Petitioner, who is a retired employees of fully aided educational institutions. As such, it is contended that the Petitioner is entitled to be treated at par with their counter parts in Government Educational Institutions in view of Rule-9 of the Rules, 1974. It is also contended that taking into consideration the equal superannuation age of aforesaid two categories employees, the Petitioner should be granted the rest of the gratuity dues by modifying the payment of the Controller of Accounts, Odisha, Bhubaneswar pursuant to resolution dated 22nd March, 2018 of School & Mass Education Department, Bhubaneswar in view of the decisions of this Court in the case of *Bidyadhar Bhuyan –vrs.- State of Odisha and others, reported in 1995 (II) OLR 655*, which was confirmed by the Hon'ble Supreme Court in SLP No.4090 of 1996, vide order dated 9th September, 1996.



2. In course of hearing, learned counsel for the Petitioner states that highlighting the grievances, the Petitioner has made a representation to the District Education Officer, Dhenkanal Bhubaneswar on 11.11.2025 as at Annexure-5 and the same may be directed to be disposed of expeditiously taking in to consideration the ratio in the case of ***Bidyadhar Bhuyan*** (supra) as well as the order of the Hon'ble Apex Court in SLP No.4090 of 1996.

3. Considering the limited grievance of the Petitioners, disposes of the writ petition with a direction to District Education Officer, Dhenkanal Opposite Party No.3 to consider the representation filed by the Petitioners as at Annexure-5 and pass appropriate order in accordance with law within a period of four months from the date of production of a certified copy of this order and communicate the same to the Petitioner forthwith.

Web copy of this order to be acted upon by all concerned.

(***Dixit Krishna Shripad***)
Judge

Madhusmita