

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

**W.P.(C) No.41329 of 2021**

***Jagabandhu Mishra***

....

***Petitioner***

Mr.Gopinath Sethi, *Advocate.*

*-versus-*

***State of Odisha and others***

....

***Opp. Parties***

*Mr.Sangram Jena, Standing  
Counsel, S & ME*

**CORAM:**

**JUSTICE A.K. MOHAPATRA**

**ORDER**

**10.01.2022**

**Order No.**

01. This matter is taken up through Video Conferencing mode.
2. The present writ application has been filed by the Petitioner for a direction to the Director, Higher Secondary Education, Odisha to sanction, release and disburse the legitimate revised differential arrear dues of the Petitioner for the period from 7<sup>th</sup> July, 2008 to 30<sup>th</sup> September, 2013 keeping in view the letters of Opposite Parties dated 7<sup>th</sup> July, 2008 and dated 24<sup>th</sup> October, 2013.
3. It is submitted by the learned counsel for the Petitioner that earlier he had approached this Court in W.P.(C) No.4114 of 2017. The said writ application was disposed of by order dated 16<sup>th</sup> March, 2017 by this Court whereby the authorities were directed to dispose of the representation filed by the petitioner and found that the Petitioner is not entitled to the benefit claimed by him and as such his representation was rejected.
4. It is further submitted that after rejection of Petitioner's

representation pursuant to the direction in the earlier writ application similar benefits have been given to the similarly situated persons in various institutions namely, B.B.Mahavidyalaya, Chandikhole, Jajpur, Begunia College, Khordha, Jiral College, Dhenkanal, Jatani College, Khordha, N.B.College, Kendupadar, Ganjam etc.

5. Learned Standing Counsel for the School & Mass Education Department submits that the representation submitted by the Petitioner earlier has already been rejected on the ground that he is not entitled to such benefit. Hence no further direction should be given to the authorities in this matter.

6. Having heard learned counsel for both the sides, this Court is of the opinion that if similar benefits has been given to the similarly situated persons, the same gives rise to a fresh cause of action after disposal of the petitioner's earlier representation. It is needless to mention here that the authorities have to treat everybody equally. In other words, there cannot be different yardsticks for different persons discharging duties in different institutions under different districts.

7. Considering the aforesaid facts and circumstances, this Court without entering into the merits of the matter directs the Petitioner to file a fresh representation along with a copy of the order passed in similar matter before the Director, Higher Secondary Education, Odisha, Opposite Party No.2 within a period of two weeks from today along with an authenticated copy of this order. In the event such a representation is filed, the Opposite Party No.2 shall consider the same in accordance with law and particularly keeping in view the fact that similar benefits have been extended to similarly situated persons and in the event the Opposite Party No.2 comes to a conclusion that the persons to whom the benefit has been extended

stands in the similar footing with that of the Petitioner, similar benefits be extended to the Petitioner within a period of three months from the date of production of authenticated copy of this order.

8. With the aforesaid observation the writ application stands disposed of.

9. As the restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a print out of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned Advocate, in the manner prescribed vide Court's Notice No.4587, dated 25<sup>th</sup> March, 2020 as modified by Court's Notice No.4798, dated 15<sup>th</sup> April, 2021 and Office Order dated 7<sup>th</sup> January, 2022.

**(A.K. Mohapatra)**  
**Judge**

RKS

