IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.36720 of 2026
CNR No. ODHC010862292026

Nimain Charan Mallick …. **Petitioner**
Mr. N. Nayak, Advocate

-Versus-

State of Odisha & others …. **Opposite Parties**
Mr. S. Mishra, ASC

CORAM:
MR. JUSTICE R.K. PATTANAIK

ORDER
09.11.2026

Order No.

01. 1. Heard Mr. Nayak, learned counsel for the petitioner and Mr. Mishra, learned ASC for the State.

2. Instant writ petition is filed by the petitioner for a direction to the opposite parties to extend Head Master Scale of Pay to him in view of the decision in **Rama Chandra Sahoo Vrs. State of Odisha & others** decided on 17th August, 2022 in W.P. (OAC) No.3264 of 2017) and also **Baijayanti Samal Vrs. State of Odisha & others** in OA No.1209 of 2013 upheld by the Apex Court and revision of pension and release of pensionary benefits in his favour within a stipulated period upon receiving a fresh representation.

3. Recorded the submission of Mr. Mishra, learned ASC for the State.

4. In **Rama Chandra Sahoo** (supra), it has been concluded that with the initial appointment having requisite qualification of trained graduate and other criteria fulfilled, one

is entitled to Head Master scale of pay. According to Mr. Nayak, learned counsel submits that the decision has been upheld by the Apex Court with dismissal of the SLP (C) Diary No.2874 of 2024 as at Annexure-2 series. Similarly, the petitioner's claim shall have to be considered in view of the decision in **Baijayanti Samal** (supra) in OA No.1209 of 2013 again upheld by the Apex Court. Considering the claim of the petitioner with the demand as to similar benefits to be extended in Head Master Scale of Pay with effect from 6th February, 1992 for having requisite qualification and teaching experience of seven years as Trained Graduate Teacher (TGT), this Court, after having recorded the response of the State, is inclined to grant liberty to him to submit a fresh representation for a decision thereon by opposite party No.1 within a stipulated period.

5. Accordingly, it is ordered.

6. In the result, the writ petition stands disposed of with the liberty allowed in favour of the petitioner to submit a fresh and detailed representation addressed to opposite party No.1 for consideration of grant of Head Master Scale of Pay and revise pension and release other pensionary benefits for a decision followed by a speaking and reasoned order preferably within a period of eight weeks from the date of receipt of a copy of this order keeping in view the decisions in **Rama Chandra Sahoo** and **Baijayanti Samal** (supra) and having regard to the report

of opposite party No.3 on the financial implication vide Annexure-4 series.

7. Issue urgent certified copy of this order as per rules.

(R.K. Pattanaik)
Judge

Ranjeeta

Signature Not Verified
Digitally Signed
Signed by: RANJEETA SAHOO
Reason: Authentication
Location: HIGH COURT OF ORISSA
Date: 16-Nov-2026 18:34:31