

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.389 of 2022

Shyam Sundar Behera

....

Petitioner

Mr.K.K.Swain, Advocate.

-versus-

State of Odisha and others

....

Opp. Parties

*Mr.B.Mohanty, Standing Counsel,
S & ME*

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

07.01.2022

Order No.

01. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Being aggrieved by the order dated 30th November, 2021 passed by the District Education Officer, Khordha the Petitioner has been transferred from Government Upper Primay School, Kumandol under Chilika Block to Government Primary School, Chmpadeipur under Banpur Block in the district of Khordha in gross violation of the guideline/Notification dated 04.10.2018.
3. Learned Standing Counsel for School & Mass Education Department draws the attention of the Court to Clause-5 of the guideline whereunder it has been provided that appeal against an order of transfer lies on the Director of Elementary Education, Odisha.
4. Heard learned counsel for the Petitioner as well as learned Standing Counsel for School & Mass Education department.

5. Considering the limited nature of prayer and keeping in view the provisions for appeal as provided in the guideline of the Government dated 4th October, 2018 the present writ application is being disposed of with a direction to the Petitioner to file a properly constituted appeal before the Director, Elementary Education, Odisha, Opposite Party No.2 within a period of 10 days from today. If such appeal is filed by the Petitioner, the same shall be considered in accordance with law and shall be disposed of by a speaking and reasoned order within four weeks from the date of filing of such appeal. Any decision so taken shall be communicated to the Petitioner within one week from the date of such decision. It is open to the Petitioner to file an interim application along with the appeal memo. The Petitioner shall not be disturbed till disposal of the interim application by the appellate authority.

6. This Court has not expressed any opinion on the merits of the case.

7. With the aforesaid observation, the writ application stands disposed of.

(A.K. Mohapatra)
Judge

RKS