

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.2013 of 2022

Rabindra Sethi

.....

Petitioner

Mr.M. K. Mohanty, Advocate

Vs.

State of Odisha and others

.....

Opposite parties

*Mr. S.K. Jena, Standing Counsel
for S&ME Deptt.*

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

24.01.2022

Order No.

1

This matter is taken up through video conferencing mode.

2. Heard

3. The petitioner files this writ petition challenging the order date 10.01.2022 under Annexure-3 by which the petitioner who was serving as Assistant Teacher, Issanipall Primary School is deployed and posted to work as such at Sailendra Nagar Primary School under Talachua NUPS, Cluster with immediate effect.

4. Mr. M.K. Mohanty, learned counsel for the petitioner contended that neither under the rule, nor under the guideline issued by the authority there is the concept of any deployment of any teacher from one school to another and in the guise of deployment the petitioner is now transferred to one school to another, which is not permissible.

5. Mr. Jena, learned Standing Counsel for the School & Mass Education Department contended that the guideline dated 04.10.2018, which the petitioner is relying, at Clause-5 provides for Appeal & Review and to such provision, the Director of Elementary Education, Odisha shall be the Appellate Authority to dispose of the grievances related to inter-district transfer and intra-district transfer of teachers. In view of such provision,

instead of approaching this Court, the petitioner could have preferred an appeal before the Director, Elementary Education.

6. Considering the contentions raised by the parties and after going through the record, this Court, without expressing any opinion on the merits of the case, disposes of the writ petition permitting the petitioner to raise all such questions, as has been raised in the present writ petition before the Director, Elementary Education-opposite party no.2 within a period of fifteen days hence and in case, such an appeal is filed, the authority shall consider and dispose of the same by passing an appropriate order in accordance with law within a period of four weeks thereafter.

7. 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 25th March, 2020, as modified by Court's Notice No. 4798 dated 15th April, 2021, and Court's Office Order circulated vide Memo Nos.514 and 515 dated 7th January, 2022.

Arun

(DR. B.R. SARANGI, J.)