

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 2911 of 2020

Chaitanya Kumar Mohanta

.....

Petitioner

Mr. N. Jena, Adv.

Vs.

State of Odisha & Ors.

.....

Opposite Parties

State Counsel

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

16.12.2022

Order No.

08.

This matter is taken up through hybrid mode.

2. Heard Mr. N. Jena, learned counsel for the petitioner; Mr. A.K. Mishra, learned Addl. Government Advocate appearing for the State-opposite parties no.1 and 3; and Mr. S. Jena, learned Standing Counsel appearing for the School and Mass Education Department-opposite party no.2.

3. Mr. N. Jena, learned counsel for the petitioner states that the case of the petitioner is squarely covered by the order dated 04.12.2018 passed by a Division Bench of this Court in W.A. No.183 of 2018 (***Binod Kumar Jena v. State of Odisha and others***).

4. Mr. A.K. Mishra, learned Addl. Government Advocate appearing for the State-opposite parties no.1 and 3; and Mr. S. Jena, learned Standing Counsel appearing for the School and Mass Education Department-opposite party no.2 do not dispute such position.

5. In view of the above submission, this writ petition stands disposed of in terms of the order dated 04.12.2018 passed by the Division Bench of this Court in W.A. No.183 of 2018 (***Binod Kumar Jena v. State of Odisha and others***). Since the Director,

Higher Secondary Education is the cadre controlling authority, he is competent to pass the order of transfer and, as such, the impugned order of transfer under Annexure-7 passed by the Director, Higher Education is without jurisdiction, the same is hereby quashed.

Issue urgent certified copy as per rules.

Ashok

(DR. B.R. SARANGI)
JUDGE

