

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.4089 of 2022

Prakash Chandra Sethi

....

Petitioner

Mr. P. Mohapatra, Advocate

-versus-

State of Odisha & others

....

Opposite Parties

Mr. S.K. Samal, AGA

CORAM: JUSTICE S.K. PANIGRAHI

ORDER

09.03.2022

Order No.

02. 1. The matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. The grievance of the petitioner is that school from which he was transferred had enrolled, 530 students, but after his transfer the strength of teaching staff reduced to 10. Thus, as per the rationalization policy, the school is a deficit teacher school. The school wherein the petitioner was transferred has 159 students with 6 teaching staff, inclusive of the petitioner. Hence, the transfer of the present petitioner from a deficit teacher school to a surplus school teacher is totally illogical and borne out of non-application of mind by the authority.
4. Learned counsel for the State, on instructions, submits that the petitioner has preferred an appeal in Annexure-4 before the appellate authority-O.P. No.2 and the same is pending consideration.
5. Since the appellate authority is in seisin over the matter, no cause of action survives. The writ petition is disposed of accordingly.

5. However, the petitioner is granted liberty approach the Court afresh, if any cause of action survives.

(S.K. Panigrahi)
Judge

pcd

