

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.11177 of 2022

Nilakantha Muduli

.... Petitioner

Mr. J. Gupta, Advocate

-versus-

State of Odisha & others

.... Opposite Parties

Mr. B. Mohanty, S.C.

CORAM: JUSTICE S.K. PANIGRAHI

ORDER

17.05.2022

Order No.

02. 1. The matter is taken up through hybrid mode.
2. The present petitioner seeks a direction from this Court to the competent authority to take proper steps for inter district transfer by transferring the petitioner to Nayagarh Education District as per the Odisha Government orders and circulars on Service Rules and G.A. Department letter dated 13.12.1991, relating to transfer of couples employed under the State Government in the same station read with Orissa Education Act and Rules, 1974 as well as provision in paragraph-6 of the Government in School and Mass Education Department Notification No.21908/S & M/ dated 01.10.2018.
3. Since the petitioner is getting 100% block grant and now the School declared to get 100% block grant. Accordingly, the School has been notified as an aided Educational Institution within the meaning of Section 3(b) of the Orissa Education Act, by way of block grant as per the Orissa Education (Payment of Grant-in-aid to High Schools) Order, 2004.

4. The petitioner was appointed as a Science Teacher (CBZ) within the standard staff position on the regular basis on 27.12.2003 as per the appointment letter of the Secretary of the Managing Committee of the School vide Memo No.412 dated 27.12.2003.

5. The petitioner is a resident of Nayagarh district and he is seeking transfer on the premise that his old parents are living in Nayagarh and his wife is also serving as a teacher in Nayagarh. So, it is difficult on the part of the petitioner to look after his old parents. The petitioner earlier applied for said transfer but the authority has denied the transfer clarifying the block grant High Schools are granted as aided High Schools all the Rules and Regulations applicable to aided Schools. There is no transfer policy available for the block grant teacher.

6. Since the petitioner has joined the service and knew very well that transfer is an essential condition of the service and it is, in other words, exigency of service. The petitioner striving for transfer and denial by the authority is not to be interfered with by the Court. The appointing authority has a wide discretion in the matter of transfer. No mala fide or motive can be attributable to the authority.

7. In such view of the matter, the writ petition is dismissed.

(S.K. Panigrahi)
Judge