

IN THE HIGH COURT OF ORISSA AT CUTTACK

WA No.755 of 2022

Nilakantha Muduli

.... Appellant

Mr. Jyotirmay Gupta, Advocate

-versus-

State of Odisha and Others

.... Respondents

Mr. Ramanath Acharya, Standing Counsel,
School and Mass Education Department

**CORAM:
JUSTICE JASWANT SINGH
JUSTICE M.S. SAHOO**

ORDER (Oral)

26.10.2022

Order No.

01.

This matter is taken up through hybrid arrangement.

1. The appellant claims to be appointed as a Science Teacher on regular basis by the Managing Committee of an Aided School situated in the District of Ganjam/Respondent No.5 (Biju Pattanaik High School, Tarasingi, Kulada, District- Ganjam) where he continues to work till today.
2. The petitioner filed a Writ Petition seeking a mandamus to the Director, Secondary Education, Odisha to transfer him out of the District-Ganjam and post him in District-Nayagarh, where his wife is also working as a Hindi Teacher in the Secondary Education Department of the Government. The claim is based on instructions dated 01.10.2018 (without annexing it) issued by the Government in S & ME Department providing for inter-district transfer of the employees working under the control of District

Education Officer of the Department of School and Mass Education. The learned Single Judge vide impugned order dated 17th May, 2022 has dismissed the Writ Petition bearing W.P.(C) No.11177 of 2022.

3. At the time of hearing, learned counsel for the appellant has failed to show as to how the appellant, who concededly is an employee of an aided institution can possibly be transferred to any other school either run by any other aided institutions or a Government school, and that too by District Education Officer of a District from one District to another.

5. At this stage, learned counsel for the appellant prays for permission to withdraw the present Writ Appeal to pursue the pending appeal filed by the appellant before the Director, Secondary Education, Odisha.

6. In view of the above, the Writ Appeal is dismissed as withdrawn with the aforesaid liberty.

(Jaswant Singh)
Judge

(M.S. Sahoo)
Judge