

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO.14532 OF 2022

Prasanna Kumar Pradhan ***Petitioner***
Mr. Kunal Kumar Swain, Advocate

-versus-

State of Odisha and others ***Opp. Parties***

Mr. Dipti Ranjan Mohapatra,
Standing Counsel

CORAM:
JUSTICE K.R. MOHAPATRA

ORDER
10.06.2022

Order No.

1. 1. This matter is taken up through hybrid mode.
2. The Petitioner in this writ petition seeks for a direction to the Director of Secondary Education, Odisha, Bhubaneswar to transfer the Petitioner to any of the High Schools of Puri District as Senior SES Headmaster against a vacant post.
3. Mr. Swain, learned counsel for the Petitioner submits that pursuant to the Office Order No. 19999 dated 3rd August, 2021, the Petitioner was promoted to the cadre of Senior SES Headmaster and was transferred to the Project Upper Primary School (PUPS), Ustapada under Polsara Block in the district of Ganjam. Along with the Petitioner few others who were promoted to the cadre of Senior SES Headmasters, were posted to different High Schools in the district of Ganjam. As few of them like the Petitioner went on leave after the order of transfer was passed, the Joint Director (GS) vide his Letter No.26764 dated 4th October, 2021 (Annexure-4) instructed all the District Education Officers of the State (except D.E.O., Malkangiri) to ensure that the teachers of the said district,

who are under orders of promotion to Senior SES Cadre but are continuing on leave, should either join in their allotted place of posting or forgo their promotion by 8th October, 2021. It was further indicated therein that if anybody continues on leave after 8th October, 2021, disciplinary action as deemed proper will be taken against him/her. Consequently, the Petitioner submitted his joining report, which was accepted by the District Education Officer, Ganjam vide order dated 11th October, 2021 under Annexure-2. But in spite of issuance of letter under Annexure-4, few other teachers, who were promoted to the cadre of Senior SES Headmasters, did not join their respective posts. Subsequently, they were adjusted in different vacant posts in the district of Khurda vide Order No.5815 dated 28th February, 2022 passed by the Director of Secondary Education, Odisha, Bhubaneswar under Annexure-3.

4. It is further submitted by Mr. Swain, learned counsel for the Petitioner that the defaulters of the order under Annexure-4 have been rewarded by posting them in the district of Khurda, whereas the Petitioner, who complied with the direction under Annexure-4, is allowed to continue in the district of Ganjam. He further submits that the wife of the Petitioner is serving as Teacher in the Panchayat High School, Alanda in the district of Puri and his old father, who is dependent on him, is suffering from geriatric diseases. Ventilating his grievances, the Petitioner also made a representation to the Director of Secondary Education, Odisha, Bhubaneswar on 15th March, 2022 under Annexure-5 series, but the same has not yet been considered. It is his submission that since there are vacancies in the cadre of Senior SES Headmasters in different Schools of Puri District more particularly in Annapurna Bidyapitha, Charichhak,

Nagabasta Nodal High School, Nagabasta, Damodar High School, Tampalu and Rama Chandra High School, Bhantigram, the Petitioner can be adjusted in any of the aforesaid Schools. In that view of the matter, he prays for a direction to the Director of Secondary Education, Odisha, Bhubaneswar to consider the representation of the Petitioner under Annexure-5 series and post him at any of the vacant posts of Senior SES Headmasters in the district of Puri.

5. Mr. Mohapatra, learned Standing Counsel for the School and Mass Education Department submits that he has no instruction in the matter. However, if the representation of the Petitioner under Annexure-5 series is still pending with the Director of Secondary Education, Odisha, Bhubaneswar, the same may be directed to be considered in accordance with law.

6. Taking into consideration the submissions of learned counsel for the parties, this Court without expressing any opinion on the merits of the case of the Petitioner disposes of this writ petition with a direction that on production of certified copy of this order, the Director of Secondary Education, Odisha, Bhubaneswar- Opposite Party No.2 shall do well to consider and dispose of the representation of the Petitioner dated 15th March, 2022 under Annexure-5 series in accordance with law as expeditiously as possible preferably within a period of two months therefrom and communicate the order to the Petitioner within the aforesaid period.

Urgent certified copy of this order be granted on proper application.

(K.R. Mohapatra)
Vacation Judge

bks