

IN THE HIGH COURT OF ORISSA AT CUTTACK
WP(C) No.16780 of 2022

Anita Acharya

....

Petitioner

Mr. Sarathi Jyoti Mohanty, Advocate

-versus-

State of Odisha & others

....

Opp. Parties

Mr.B.Mohanty, SC

(for S & M.E. Deptt.)

CORAM:

DR. JUSTICE S.K. PANIGRAHI

ORDER

08.07.2022

Order
No.

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- 1.This matter is taken up through hybrid mode.
2. Heard.
3. The petitioner has filed this writ petition challenging the action of the opposite parties, more specifically, opposite party No.2 in not issuing the Transfer Certificate (T.C) of her minor son for taking admission in the next higher class in another School.
4. The grievance of the petitioner is that while she was serving as a teacher in the Saraswati Sishu Mandir, Dharamagarh, she was transferred from that School to Sararswati Sisu Bidya Mandir, Balaji Vihar, Bhwanipatna on 04.05.2013. Though she submitted her joining letter on that

date but the opposite party No.3 did not allow her to join. However, in the 3rd week of June, 2013 she was allowed to join. During continuance of her teachership in the said school, she had got her son admitted in that school for academic Sessions 2014-15 in Standard-I.

5. As per by Laws the opposite party no.3 did not charge any school fees or monthly dues to the sons and daughters of the teachers serving in their school. But, in the year 2016 the opposite party No.3 by leveling false and baseless allegation against the petitioner, suspended her and subsequently, dismissed her from her service which has been challenged before the competent authority and the same is sub-judice. However, her son was still studying in the same school and was paying school fees regularly without fail except for some months due to the Covid-19 situation.

6. Learned counsel for the petitioner submits that the petitioner's son was exempted from school due as per By Laws i.e. Rule-2 of Sikhya Bikash Samiti as his mother/the present petitioner was serving as School Teacher. But after her dismissal in the year 2019, she has cleared all school dues of her son for academic Session 2019-20 except epidemic period which is exempted as per Govt. Notification. On the other hand, the opposite party No.3 has not paid her legitimate dues towards her salary like suspension increments and other

ancillary dues. It is further submitted that when the petitioner applied for "Transfer Certificate" to get her son admitted in another school, the opposite party No.3 is not paying any heed to her request. Therefore, it violates the aim and objectives of Right of Children to Free and Compulsory Education Act, 2009.

7. It is pertinent to mention here that whenever a student leaves school during the course of study/after completing studies/passing the highest class of school, then he has to obtain a Transfer Certificate from the current School for admission to another educational institution is mandatory. Hence, the petitioner approached this Court seeking an order of this Court to issue a Transfer Certificate of her minor son for studying in higher class. Additionally, the petitioner has ventilated her grievance before the opposite parties but they are sitting over the same since long.

8. Considering the facts and submissions made, this Court disposes of this Writ Petition granting liberty to the petitioner to approach the opposite party Nos. 3 and 4 with a representation within a period of two weeks hence. In the event of such representation is submitted along with a copy of this order, the opposite party Nos.3 and 4 shall consider sympathetically considering her economic hardship and

dispose of it within a period of two weeks from the date of filing of the representation and this order.

9. The writ petition is accordingly disposed of.

10. Issue urgent certified copy of the order as per Rules.

(*Dr.S.K. Panigrahi*)
Judge



LB