

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.18992 of 2022

Akhshaya Kumar Prusty *Petitioner*
Mr. Karunakar Rath, Adv.
-versus-
State of Odisha and Ors. *Opposite Parties*
Mr. D. Mund, AGA

CORAM:
DR. JUSTICE S.K. PANIGRAHI

Order
No.

ORDER
21.09.2022

01. 1. This matter is taken up through hybrid arrangement.
2. Heard.
3. Learned counsel for the Petitioner submits that in this Writ Petition, the Petitioner challenges the Office Order No.5698 dated 13.04.2022 issued by the Opposite Party No.2/ Director of Elementary Education, Odisha, Bhubaneswar ignoring the various provisions of Guidelines for transfer of teachers of Secondary Schools in the State of Odisha. He further submits that the Petitioner challenges the impugned order on the ground that in spite of fulfillment of the required provisions under Clause-3(a) of the Notification dated 04.10.2018, his case for mutual transfer has not been considered. He further submits that a number of similarly placed persons have been transferred on similar grounds as agitated by

the Petitioner whereas the Petitioner's case has not been visited with similar sentiments. He further submits that the act of the Opposite Parties is nothing but violation of Article 14 of the Constitution of India.

4. The Petitioner had approached the authority for his transfer from Banapur Block to Khordha Block on health ground wherein the Opposite Party No.2/ Director of Elementary Education, Odisha, Bhubaneswar rejected the appeal of the Petitioner. The ordering portions of the said order are as follows:

"The appellant has no vested right to get a posting at a particular place and it being within the exclusive domain of the employer to determine as to at what place and how long the services of a particular employee are required.

That, it is well settled law, decided by the Hon'ble Apex Court of India that Fundamental Rule 11 say that the whole time of a Government servant is at the disposal of the Government which pays him and he may be employed in any manner required by proper authority.

Considering the appeal dated 20.12.2021 of the appellant, report of BEO and after hearing all the parties, the appellant Authority disposes the appeal as follows:

1. The appellant is not a regular teacher at the time he applied for online intra district transfer and also applied under 09-male Teacher school, his prayer for transfer from Banpur Block to Khordha Block, is against the

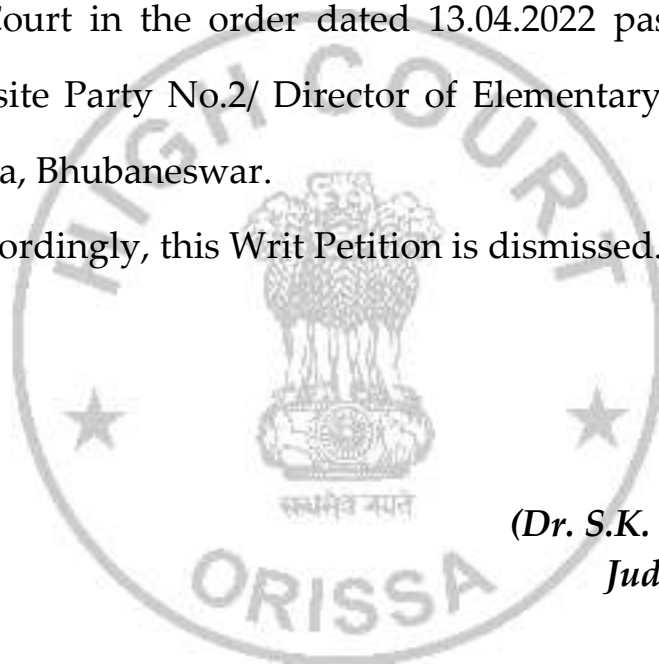
*prevailing rules pursuant to the guidelines
reflected in notification No-22167/SME dated
04.10.2018 and rejected being devoid of merit.*

Xx xx xx xx"

5. Considering the submissions made by the learned counsel for the Petitioner and on perusal of the impugned order, this Court is of the view that no ground is made out in this Writ Petition so as to warrant interference of this Court in the order dated 13.04.2022 passed by the Opposite Party No.2/ Director of Elementary Education, Odisha, Bhubaneswar.

5. Accordingly, this Writ Petition is dismissed.

B.Jhankar



(Dr. S.K. Panigrahi)
Judge