

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.20473 of 2022

I.A. No.10942 of 2022

Chanchala Barik

....

Petitioner

-versus-

Union of India & Ors.

....

Opposite Parties

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

21.09.2022

Order No

04.

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.

2. Heard Mr. S.K. Singh, learned counsel for the Petitioner and Mr. D.R. Mohapatra, learned CGC appearing for the OPP. Parties.

3. This writ Petition has been filed by the Petitioner challenging the order of transfer passed vide order dtd.21.07.2022 under annexure-3 and the rejection of her claim communicated vide order dtd.09.08.2022 under Annexure-4.

4. Mr. Singh, learned counsel for the Petitioner submitted that the Petitioner is a widow and her children are prosecuting their study at Bhubaneswar. The education of the children of the Petitioner will be seriously prejudiced if the Petitioner will be transferred during the Mid Academic Session. It is also submitted that the Petitioner is a widow having lost her husband in the year 2018.

5. This Court after perusing the order of rejection at Annexure-4 finds that the Authority concerned while rejecting the claim of the Petitioner for her continuance at Bhubaneswar has not assigned any reason and simply indicated that the prayer is rejected.

6. Since no reason has been assigned whatsoever this Court finds that the said order of rejection has been issued without application of mind. Therefore, this Court while quashing the said order at Annexure-4 dtd.09.08.2022, directs the O.P. No.2 to take a fresh decision in the matter. This Court observes that since the Petitioner is a widow and her children are prosecuting their study at Bhubaneswar, a liberal view be taken while considering the claim of the Petitioner.

7. Accordingly, this Court directs the said Opp. Party No. 2 to take a fresh decision within a period of two (2) months from the date of receipt of this order. Till such a fresh decision is taken with due communication, status-quo as on date with regard to continuance of the Petitioner be maintained.

8. The writ Petition is disposed of.

(Biraja Prasanna Satapathy)
Judge

Sneha

