

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 22548 of 2019

Smitabala Panda

Petitioner

....
Mr. K.K.Swain, Advocate

-versus-

State of Odisha and others

....
Opposite Parties

Mr. S. Jena, SC S&ME Deptt.

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

**ORDER
17.2.2022**

Order No.

8. This matter is taken up by hybrid mode.

Learned counsel for the petitioner submits that the petitioner has been put to immense difficulty due to her health condition and for the fact that she is having dependant minor children as her husband is working as a full time Doctor in a Govt. Medical College & Hospital in view of her transfer from her place of posting in the Adarsha Vidyalaya (OAV), under the OAV Sangathan at Karapalli, Rangeilunda Block, Dist. Ganjam to Sasanambagaon, Hinjilcut, Ganjam which is about 40 Kms. away.

It is submitted that after disposal of the earlier writ petition by this Court by order dated 27.9.2019 in W.P.(C) No.18250 of 2019, to dispose of the representation of the petitioners regarding her transfer and posting, her representation has been rejected by order dated 13.11.2019 by the State Project Director, OAV Sangathan.

In the present writ petition, the order dated 13.11.2019 has been challenged, inter alia, on the ground that a similar posting order dated 9.12.2019 for the said school under the OAV, provides a condition; “There will be no transfer within 05 years from the date of joining.”

In support of the medical condition of the petitioner, she has filed various test reports and prescriptions marked as Annexure-7 series to the writ petition.

Learned counsel for the petitioner submits that as per instruction, the petitioner joined her place of posting in the OAV, Sasanmbagaon, Hinjilcut, Ganjam on 27.11.2020. It is submitted that the only grievance of the petitioner for the present is that her case may be considered for her posting to earlier place of posting or a place nearby.

Learned Standing Counsel relying upon the counter affidavit as well as the further affidavit filed by the O.Ps. submits that the condition putting limitation of five years for a transfer was not there earlier and further submits that since the petitioner has already joined in her place of posting, no further cause of action would survive in that regard.

It is very fairly submitted by learned Standing Counsel that if the petitioner makes any representation to be posted in her earlier place of posting or a place nearby, the same shall be considered in accordance with law expeditiously. It is further submitted that regularisation of the period of her leave on health ground shall be considered in accordance with prevailing rules without any delay.

In view of the submissions made at the Bar and considering the pleadings of the parties, it is directed that if the petitioner makes a representation within two weeks drawing attention of the authorities for redressal of her grievance regarding regularization of the leave period and place of posting at her earlier school of OAV or at a nearby school, the same shall be considered as expeditiously as possible in a pragmatic manner, expeditiously, preferably

within a period of three months from the date of communication of certified copy of this order along with all the relevant documents.

The authority shall communicate to the petitioner the order that would be passed within two weeks.

The writ petition is disposed of accordingly.

(M.S.Sahoo)
Judge

dutta

