

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P. (C) No. 28200 of 2022

Umesh Chandra Sahani

.....

Petitioner

Mr. M. Bisoi, Adv.

Vs.

State of Odisha and others

.....

Opposite Parties

Mr. S. Jena, Standing Counsel S&ME

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

27.10.2022

Order No.

01.

This matter is taken up through hybrid mode.

2. Heard Mr. M. Bisoi on behalf of Mr. M. Pati, learned counsel for the petitioner and Mr. S. Jena, learned Standing Counsel for School and Mass Education Department.

3. The petitioner has filed this writ petition seeking direction to the opposite parties to consider his case for transfer from Phiringia block to Khajuriapada block taking into consideration of his 10 years of service at Kiamunda U.P. School by considering the representation under Annexures-4 and 5, within a stipulated time.

4. Mr. M. Bisoi on behalf of Mr. M. Pati, learned counsel for the petitioner made an innocuous prayer that the petitioner has already made a representation before the opposite party-2 and direction may be given to the authority to consider the same within a stipulated time.

5. Mr. S. Jena, learned Standing Counsel for School and Mass Education Department contended that for the selfsame relief the petitioner had earlier approached this Court by filing W.P.(C) No. 33122 of 2021, which was disposed of vide order dated 09.11.2021 and in pursuance of the same, the order impugned

dated 14.12.2021 has been passed, by which the representation of the petitioner in Annexures-4 and 5 has already been disposed of by the authority with a request to him to appraise his grievance for transfer before the competent authority, i.e., Director, Elementary Education, Odisha, Bhubaneswar. It is contended that in view of the Government Notification dated 04.10.2018, the petitioner has to apply in the prescribed form so that the authority can consider the same in accordance with law. As such, Annexure-6 does not contemplate with regard to the fact the petitioner has applied in the prescribed form to consider his case for transfer.

6. Having heard learned counsel for the parties and after going through the records, this Court finds that since the claim of the petitioner has already been considered by the authority in pursuance of the order dated 09.11.2021 passed in W.P.(C) No. 33122 of 2021, vide order dated 14.12.2021 in Annexure-1, permitting the petitioner to appraise his grievance for transfer before the competent authority, i.e., Director, Elementary Education, Odisha, Bhubaneswar, in that case, the petitioner has to make application in the prescribed form as per the Government Notification dated 04.10.2018 for consideration of his transfer. As such, Annexure-6 does not contemplate with regard to the fact the petitioner has applied in the prescribed form to consider his case for transfer. Therefore, this Court is not inclined to issue any direction to the authority to consider the representation of the petitioner as at Annexure-6. However, liberty is granted to the petitioner to make a fresh application in the prescribed form, as per the Government Notification dated 04.10.2018 before the Director, Elementary Education, Odisha, Bhubaneswar, so that the

same can be considered by the said authority and pass appropriate order in accordance with law.

7. The writ petition is accordingly disposed of.
Issue urgent certified copy as per rules.

(DR. B.R. SARANGI)
JUDGE

Ashok

