

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OAC) No. 3206 of 2015

Sailabala Mahapatra

....

Petitioner

None

-versus-

State of Odisha & others

....

Opp. Parties

*Mr. Nilambar Jena, Standing
Counsel (S & ME Deptt.)*

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

**ORDER
28.07.2022**

Order No.

02.

1. This matter is taken up through hybrid mode.
2. None appears for the petitioner when the matter is called.
3. None had appeared for the petitioner, when the matter was last taken up on 11.07.2022 and after considering the matter in some detail and hearing learned Standing Counsel, School and Mass Education Department, to grant another opportunity to the petitioner, the matter was adjourned and the following order was passed:-

"2. The writ petition has been registered before this Court on 20.12.2021, after the Original Application was transferred from the learned Orissa Administrative Tribunal, Cuttack Bench, Cuttack upon its abolition.

3. On perusal of the available order-sheets of the learned Tribunal, it is indicated that notices were issued by the learned Tribunal on 03.09.2015 with an interim order to allow the applicant/petitioner to continue in his place of posting, if not relieved till filling of the counter. Counter was filed on 19th December, 2015.

4. None appears for the petitioner when the matter is called.

5. Learned Standing Counsel referring to the

averments made in the writ petition as well as the counter, submits that nothing would survive at present for adjudication considering the nature of grievance, i.e., challenge to the order of transfer dated 18.08.2015.

6. It is further submitted that to maintain a pupil teacher ratio of 30:1 as per the provisions of the Right to Education Act at primary level and 35:1 at upper primary level, the order of transfers were made for the Academic Sessions 2015-2016.

7. It is submitted that the order impugned before the learned Tribunal is a policy decision of the Government for the betterment of education for implementation of Right to Education Act, which cannot be faulted with and the writ petition is liable to be dismissed.

8. Having heard the learned Standing Counsel for the School and Mass Education Department to grant another opportunity to the petitioner, list on 18.07.2022.”

4. Learned Standing Counsel, School and Mass Education Department reiterates the submissions on behalf of Opposite Parties-State as noted in the order dated 11.07.2022.

5. Considering the matter and the submissions of the learned Standing Counsel, School and Mass Education Department, in view of lack of prosecution from the petitioner, the writ petition is disposed of.

(M.S. Sahoo)
Judge