

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OAC) No. 4326 of 2015

Minakshi Nayak

....

Petitioner

None

-versus-

State of Odisha & others

....

Opp. Parties

*Mr. B. Mohanty, Standing Counsel
(School and Mass Education Deptt.)*

CORAM:

JUSTICE M.S. SAHOO

ORDER

15.07.2022

Order No.

01.

1. This matter is taken up through hybrid mode.
2. The writ petition has been registered before this Court on 23rd December, 2021, after the original application was transferred from the learned Odisha 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 on 04.12.2015 and the matter was not taken up/pursued after 25.10.2018. Counter on behalf of opposite parties dated 02.03.2016 is available on record.
4. None appears for the petitioner, when the matter is called.
5. The O.A. has been filed in the year 2015 by the applicant, who was then working as Assistant Teacher in R.G. Hindi GPS, Balangir, challenging the order and transfer of posting on the basis of pupil teachers ratio.
6. Learned Standing Counsel referring to the averments made in the writ petition and relying on pra-5 of the counter, submits that the policy guideline Vide letter No.14178/SME, dated 10.07.2015 for rationalization of teachers in Primary and Upper Primary Schools to maintain pupil teacher ratio 30:1 at

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Primary level and 35:1 at Upper Primary level, is just and proper, therefore the order of transfer and posting of the petitioner cannot be faulted with.

7. Para-4 and 5 of the counter dated 02.03.2016 is quoted herein for reference:-

“4. That it is respectfully submitted that the applicant was working as Asst. Teacher in R.G. Govt. Primary School, Bolangir and recently the respondent no.3 communicated office letter bearing no.2698, dated 27.11.2015 and transferred her basing on recommendation by the Govt. to another school which is Badighor Govt. Primary School under same block which is 8. Kms. From the previous school on the ground of municipality seniority.

5. That it is humbly submitted that the Govt in S & M.E. Department, Orissa, Bhubaneswar have issued letter no.14178/SME, dated 10.7.2015 communicating with comprehensive guidelines issued vide letter no.12644/SME dated 15.5.2012 for rationalization of teachers in primary and upper primary Schools of the District during the Academic Session 2015-2016. As per the guidelines introduces by the Govt. under provision of RTE Act with pupil teacher ratio 30:1 at primary level and 35:1 at upper primary level.”

8. It is further submitted that the petitioner could have retired from service on attaining age of superannuation in the year 2015-2016, therefore nothing would survive at present for adjudication before this Court.

9. Having heard learned Standing Counsel, the writ petition is disposed of.

(M.S. Sahoo)
Judge