

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OAC) No. 3241 of 2017

Priyadarsinee Sahoo

....

Petitioner

None

-versus-

State of Odisha & another

....

Opp. Parties

*Mr. R.N. Acharya, Standing Counsel
(School and Mass Education)*

CORAM:

JUSTICE M.S. SAHOO

ORDER

13.10.2022

Order No.

01.

1. This matter is taken up through hybrid mode.
2. The writ petition has been registered before this Court on 19.01.2022 after the Original Application was transferred from the learned Odisha Administrative Tribunal, Cuttack Bench, Cuttack upon abolition.
3. On perusal of the available order sheets of the learned Tribunal, it is indicated that the Tribunal did not admit the petition when the matter was taken up on 15.11.2017 and 06.02.2018, but in its wisdom passed the following order:-

“xxx xxx xxx

So, learned Standing Counsel, S & ME to obtain instruction as to why on administrative ground the applicant has been transferred in the midst of the academic session. Such instruction be filed within two weeks, till then the transfer order at Annex-3 in respect of the present applicant, I kept in abeyance.”

RJ

4. It is submitted by the learned Standing Counsel

for the School and Mass Education Department that once the learned Tribunal has given a finding that the transfer was on administrative ground, there was no occasion to go into the issue whether the transfer is midst in the academic session or not.

5. Learned Standing Counsel also refers to the counter dated 17.05.2018 filed by the Respondent No.4-District Education Officer, Balangir to buttress his submissions that the writ petition is devoid of any merit. It is further submitted that considering the nature of grievance i.e. challenge to an order of transfer, nothing would survive at present for adjudication.

6. Having heard learned Standing Counsel for the School and Mass Education Department, the writ petition is disposed of granting liberty to the petitioner to revive the petition within ninety days for any surviving cause of action.

(M.S. Sahoo)
Judge