

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.41261 of 2021

Nigamananda Das

.... ***Petitioner***
Mr. Suryakanta Dash,
Advocate

-versus-

State of Odisha and others

.... ***Opposite Parties***
Mr. S. Jena,
Standing Counsel for S. & M.E. Deptt.

CORAM:
JUSTICE A.K.MOHAPATRA

ORDER
03.01.2022

Order No.

01. 1. Heard learned counsel for the parties.
2. The present writ petition has been filed challenging the office order no.2088 dated 30th November, 2021 vide Annexure-3 issued by the Opposite Party No.4, whereby the Petitioner has been transferred from Olaver P.S. to R. Badapanka in the district of Kendrapara.
3. It is submitted by Mr.Dash, learned counsel for the Petitioner that Petitioner is a physical handicapped person and he needs support while moving from one place to other. He further adds that nobody has joined in the post of Petitioner at Olaver PS as of now.
4. Mr.S. Jena, learned Standing Counsel for School and Mass Education Department on the other hand submits that there is a

provision of appeal under the relevant rules, if it is not disputed by the Petitioner.

5. In such view of the matter, the Petitioner is granted liberty to approach the Appellate Authority, i.e. Director, Elementary Education Department, Bhubaneswar, Opposite Party No.2 with a properly constituted appeal memo along with an application for interim direction within a period of two weeks from today. If such an appeal is filed along with the interim application before the Appellate Authority, the same shall be considered in accordance with law and necessary order be passed thereon. However, this Court directs as an interim measure, the order dated 30.11.2021 under Annexure-3 shall not be given effect to till the interim application of the Appellant is disposed of by the Appellate Authority. In the event the appeal is filed within the stipulated time, the Appellate Authority shall consider the same strictly in accordance with law. It is made clear that this Court has not expressed any opinion on the merits of the case.

6. With the aforesaid observation and direction, the writ petition stands disposed of.

(A.K. Mohapatra)
Judge