

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.41446 of 2021

Prasant Kumar Mallik

....

Petitioner

Mr.B.D.Satapathy, *Advocate*.

-versus-

State of Odisha & another

....

Opp. Parties

Mr. B.Mohanty, Advocate

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

04.01.2022

Order No.

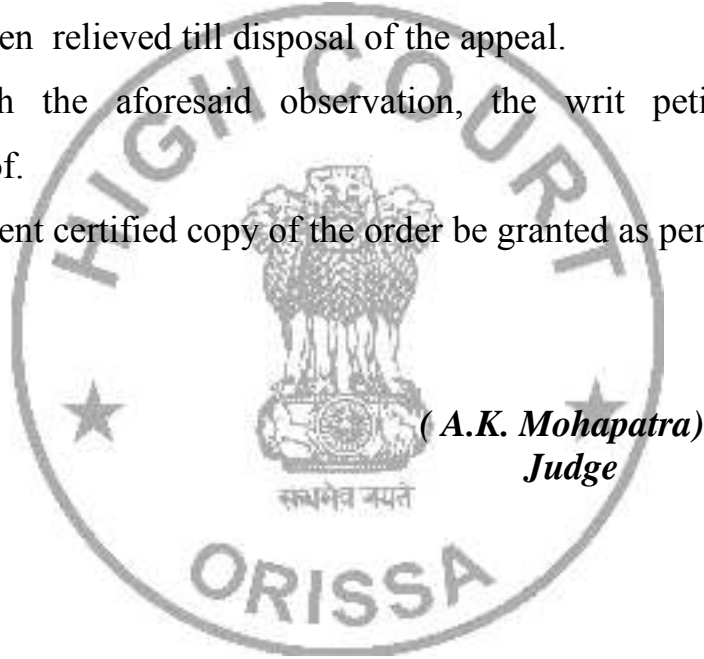
01. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. The present writ petition has been filed by the Petitioner, who is presently working as In-Charge Headmaster, Gopinathpur Project UGUP School, Gopinathpur under Rajkanika Block in the district of Kendrapara.
3. The sole contention of the learned counsel for the Petitioner is that the Petitioner is being transferred in violation of the guidelines vide Notification No.22167 dated 4th October, 2018. Learned Standing Counsel for the School & Mass Education Department draws the attention of this Court to the provisions of the appeal and review contained in the very same guidelines and submits that the Petitioner should first exhaust the remedy provided under the aforesaid Notification.
4. In such view of the matter, the present writ petition is disposed of with a direction to the Petitioner to file a properly constituted

appeal before the Director, Elementary Education, Opposite Party No.2 within a period of two weeks from today. If such an appeal is filed before the Opposite Party No.2, the same shall be considered in accordance with law and any guidelines and Rules in that regard and the appeal shall be disposed of within a period of four weeks from the date of presentation of the appeal. Any decision taken by the appellate authority shall be communicated to the Petitioner within a period of one week from the date of such decision.

5. As an interim measure, it is directed that the Petitioner shall not be disturbed from his present place of posting if he has not already been relieved till disposal of the appeal.

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

7. Urgent certified copy of the order be granted as per Rules.



RKS