IN THE HIGH COURT OF ORISSA AT CUTTACK
WP(C) No.10564 of 2026

Smt. Nirmala Nayak **.....** ***Petitioner***

Represented by Adv. -
Kunal Kumar Swain

-versus-

State Of Odisha and others **.....** ***Opposite Parties***

Mr. D.K. Sahoo, AGA

CORAM:
THE HON'BLE MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER
09.04.2026

Order No.

01. 1. This matter is taken up through Hybrid mode.

2. Heard learned counsel for the Petitioner as well as learned counsel for the State-Opposite Parties. Perused the writ application as well as the documents annexed thereto.

3. The Petitioner has filed the present writ application with the following prayer:

> *"Under the above circumstances, it is humbly prayed that the writ petition may be allowed;*
>
> *And*
>
> *(A) a writ of Certiorari or an appropriate writ may be issued quashing the impugned order dated 31.03.2026 passed by the District Education Officer, Cuttack under Annexure:4 transferring the petitioner from Radhakanta High School, Nuagaon under Niali Block to Gopapur Girls' High School,*

Gopapur under Badamba Block in the district of Cuttack and necessary direction may be made to the opposite parties to allow the petitioner to continue in Radhakanta High School, Nuagaon under Niali Block in the district of Cuttack with all consequential service benefits, within a time to be stipulated by this Hon'ble Court;

(B) And any other order / orders or direction/directions may be issued so as to give complete relief to the petitioner;"

4. Learned counsel for the Petitioner at the outset contended that initially the Petitioner was appointed as a Hindi Teacher on 17.08.1990 by the Managing Committee of the school in question. Thereafter, the Petitioner joined in duty. In the year 2004, by virtue of a notification dated 13.09.2004 the school was selected by the Government for receiving Block Grant w.e.f. 01.01.2004 as per the Grant-in-Aid Order, 2004 and the appointment of the Petitioner was duly approved by the then Inspector of Schools, Cuttack Circle, Cuttack vide office order dated 13.09.2004.

5. The Petitioner while working as a Hindi Teacher in the school in question, the DEO, Cuttack vide order dated 31.03.2026 has transferred the Petitioner from Radhakanta High School, Nuagaon under Niali Block to Gopapur Girls' High School, Gopapur under Badamba Block in Cuttack District. Such transfer has been made on the ground of administrative exigency. Being aggrieved by such order of transfer, the Petitioner has approached this Court by filing the present writ petition.

6. Learned counsel for the Petitioner at the outset contended that the distance between the two schools is 140 K.Ms. He further contended that the Petitioner is the only Hindi Teacher in the school where she is discharging her duties at the moment. He further contended that since the Petitioner is a block grant teacher, she does not come under the common cadre made for the aided education institution. As such, learned counsel for the Petitioner argued that the case of the Petitioner does not fall within the ambit of Odisha Aided Educational Institutions' Employees Common Cadre and Inter-transferability Rules, 1979. On such ground, learned counsel for the Petitioner contended that the impugned order dated 31.03.2026 at Annexure-4 is unsustainable in law.

7. Learned counsel for the Petitioner further contended that raising objection to the impugned order dated 31.03.2026 at Annexure-4, the Petitioner has already approached the Director, Secondary Education, Odisha-Opposite Party No.2 by filing a detailed representation at Annexure-6 to the writ petition. However, no final decision has been taken on such representation of the Petitioner. Being aggrieved by the inaction of the Opposite Party No.2 in disposing of the representation of the Petitioner, the Petitioner was compelled to approach this Court by filing the present writ petition.

8. Learned counsel for the State on the other hand contended that although he has no specific instruction in the matter, however, taking into consideration the fact that the Petitioner has already approached the Opposite Party No.2-competent authority and in the event no final decision has been taken on such representation of the

Petitioner, he will have no objection in the event this Court directs the Opposite Party No.2 to take a lawful decision on such representation within a stipulated period of time.

9. Considering the submissions made by the learned counsels appearing for the respective parties, on a careful examination of the background facts, further on a close scrutiny of the impugned order dated 31.03.2026 at Annexure-4, and on a careful examination of the submission made by the learned counsel for the Petitioner, this Court deems it proper to dispose of the writ petition at the stage of admission by directing the Opposite Party No.2 to consider and dispose of the representation of the Petitioner at Annexure-6 within a period of four weeks from the date of communication of a certified copy of today's order. The Opposite Party No.2 shall do well to dispose of the representation of the Petitioner by passing a speaking and reasoned order. It is further directed that till the representation of the Petitioner is disposed of in the manner as has been directed hereinabove, the impugned order dated 31.03.2026 at Annexure-4, if not yet given effect to, shall not be given effect to for a period of six weeks.

10. With the aforesaid observations/directions, the writ application stands disposed of.

Issue urgent certified copy of this order as per Rules.

(Aditya Kumar Mohapatra)
Judge

S.K. Rout

Signature Not Verified
Digitally Signed
Signed by: SANTANU KUMAR ROUT
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 09-Apr-2026 17:37:48