IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.35750 of 2026
(CNR No. ODHC010833682026)

Ridhi Rihanshi Das …. **Petitioner**

Mr. Bhawani Sankar Panigrahi, Advocate

-Versus-

Union of India & others …. **Opposite Parties**

Mr. P.K. Parhi, DSGI
Mr. J.K. Bal, AGA
Mr. Md. Hasan, Advocate for O.P. No.4

CORAM:
MR. JUSTICE R.K. PATTANAIK

ORDER
04.11.2026

Order No.

01. 1. Heard learned counsel for the respective parties.

2. Instant writ petition is filed by the petitioner for a direction to opposite party No.2 to issue Transfer Certificate to her on the grounds stated without any further delay.

3. Mr. Panigrahi, learned counsel for the petitioner submits that the petitioner is represented by her mother and applied for Transfer Certificate from Kendriya Vidyalaya-2, Balasore but it has been denied by opposite party No.2 on the premise that there has been objection from opposite party No.4. The further submission is that the petitioner cannot be denied issuance of the Transfer Certificate on account of any matrimonial dispute between her mother and father, namely, opposite party No.4 and in support of the argument advanced, Mr. Panigrahi, learned counsel cites an order of Delhi High

Court in W.P.(C) NO.5614 of 2025 (**Saisha Chhillar Vrs. The Directorate of Education & others**) dated 30th April, 2025 to submit that issuance of Transfer Certificate cannot be avoided as in terms of Section 5(3) of the Right to Children to Free and Compulsory Education Act, 2009 (hereinafter referred to as 'the Act'), opposite party No.2 shall have to comply the same. A copy of the order (supra) is produced by Mr. Panigrahi, learned counsel at the time of hearing and hence, the contention is that the petitioner is entitled to issuance of Transfer Certificate by opposite party No.2 to accompany with her mother and to pursue study in Kendriya Vidyalaya at Baripada. The reason behind shifting of the petitioner is pleaded on record. Mr. Md. Hasan, learned counsel appears through virtual mode for opposite party No.4 and requests an adjournment to file a reply. However, this Court considering the grievance of the petitioner, a minor seeking issuance of Transfer Certificate, this Court is inclined to dispose of the writ petition on merit and by the following order.

4. In **Saisha Chhillar** (supra), the Delhi High Court referring to an order dated 14th October, 2024 of a Co-ordinate Bench in **Sanavi Anand (Minor) & others Vrs. Government of NCT of Delhi & others** in WP(C) No.7639 of 2024 held and observed that pending guardianship dispute between the parties, there can be no denial of issuance of a Transfer Certificate, hence, directed the school concerned to issue the same within a stipulated period. Section 5(2) of the Act

stipulates that where a child is required to move from one school to another, either within a State or outside for any reason, whatsoever, such child shall have a right to seek transfer to such other school excluding the school specified in sub-clauses (3) and (4) of Clause 9 of Section (2) for completing his or her elementary education, referring to which, Mr. Panigrahi, learned counsel submits that denial of issuance of Transfer Certificate in favour of the petitioner cannot be justified.

5. The child's interest is paramount consideration as held in **Saisha Chhillar** (supra). This Court is in agreement with such an observation therein to the effect that interest of child prevails upon any such disputes between the parents. In the instant case, as it is made to understand that there is a dispute between the mother of the petitioner and opposite party No.4. Irrespective of any such matrimonial dispute pending in any court at Balasore, this Court is of the view that the petitioner, who is aged about 8 years, is required to accompany her mother to pursue study at Baripada. It is informed to the Court that the petitioner's mother is working as Medical Record Keeper at Pandit Raghunath Murmu Medical College & Hospital, Baripada, Mayurbhanj and hence, the Transfer Certificate has been applied by her. Having regard to the above facts and since there is a penal consequence as stipulated under the Act for the Head Teacher or in charge of the school delaying issuance of the Transfer Certificate with disciplinary action vide second

proviso thereto and having regard to Section 5(3) of the Act and considering the interest of the petitioner, this Court, recording the objection of Mr. Md. Hasan, learned counsel for opposite party No.4, is inclined to direct opposite party No.2 to forthwith issue the Transfer Certificate without further delay.

6. Accordingly, it is ordered.

7. In the result, the writ petition stands disposed of with the direction as aforesaid for compliance by opposite party No.2 soon after receiving a copy of this order.

8. Issue uurgent certified copy of this order as per rule.

(R.K. Pattanaik)
Judge

Balaram

Signature Not Verified
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Signed by: BALARAM BEHERA
Reason: Authentication
Location: OHC, CUTTACK
Date: 09-Nov-2026 14:49:20