IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.3814 of 2026

(CNR No. ODHC010948292025)

Dasari Rajeswari …. **Petitioner**

Mr. D.N. Rath, Advocate

-Versus-

State of Odisha & others …. **Opposite Parties**

Mr. S.K. Parhi, ASC

CORAM:
MR. JUSTICE R.K. PATTANAIK

ORDER

04.11.2026

Order No.

06. 1. Heard Mr. Rath, learned counsel for the petitioner and Mr. Parhi, learned ASC for the State.

2. Instant writ petition is filed by the petitioner for a direction to the opposite parties, in particular, opposite party No.2 to pass an order in transferring her to a place where her spouse is presently posted on the application received under Annexure-6 in terms of the Government's Notification dated 19th August, 2023 at Annexure-4 on the grounds stated.

3. This Court by order dated 28th September, 2026 had directed the State to take instructions as there has been change in policy/scheme of the Government on transfer in the meantime. It was followed by a further direction of this Court on 12th October, 2026 recording the submission of Mr. Rath, learned counsel for the petitioner with reference to the orders in W.P.(C) No.13456 of 2026 (**Sarasini Pradhan Vrs. State of**

Odisha and others) dated 30th September, 2026 and the Apex Court's order in SLP(C) No.16404 of 2018 (**The Chief General Manager, Telecommunication, BSNL & others Vrs. Vidya Prasad**) dated 28th September, 2021. In spite of the orders for compliance, State has not received any instructions as informed to the Court by Mr. Parhi, learned ASC, hence, instead of further adjournment, this Court is inclined to dispose of the matter by the following order.

4. Mr. Rath, learned counsel for the petitioner submits that the petitioner moved an application as per Annexure-6 and it was duly recommended. The submission is that the said application is pending consideration of the Authority concerned. According to Mr. Rath, learned counsel, the petitioner has been suggested to submit a fresh application in terms of new policy/scheme and the Government's Notification dated 14th May, 2025 at Annexure-9. The contention of Mr. Rath, learned counsel is that the application was moved under the old scheme and therefore, it was not right and justified on the part of opposite party No.3 to suggest the petitioner to submit a fresh application in terms of Annexure-9. In support of the argument advanced as above, this Court's order in **Sarasini Pradhan** (supra) is cited and also the Apex Court order in **Vidya Prasad** (supra). The contention is that the case of the petitioner with an application under Annexure-6 shall have to be dealt with in accordance with Annexure-4 and not Annexure-9 and therefore, necessary direction may perhaps be issued to opposite party No.3 in that regard.

5. Recorded the submission of Mr. Parhi, learned ASC for the State, according to whom, no wrong has been committed if any such suggestion is made to the petitioner to apply afresh seeking transfer in terms of the Government Notification dated 14th May, 2025 i.e. Annexure-9 and therefore, there is no need for any indulgence by this Court at present.

6. In **Sarasini Pradhan** (supra), this Court while considering the rejection order on the premise that the husband of the petitioner therein was working in the Aided School where as she was in the Government School directed the Authority for consideration with regard to transfer in terms of the Government Notification dated 19th August, 2023 i.e. Annexure-4. In **Vidya Prasad** (supra), the Apex Court held that the compassionate appointment shall be considered under the old scheme and not the new one. An analogy is sought to be drawn by Mr. Rath, learned counsel claiming that the case of the petitioner is to be treated similarly where she had applied for transfer at a time when it was to be covered by the Government Notification dated 19th August, 2023 as at Annexure-4 and not in accordance with Annexure-9.

7. Considering the facts pleaded on record and the submissions as above and that the application applied Online as per Annexure-6 and duly recommended by opposite party No.3 to be considered by opposite party No.2, this Court is of the view that even though there has been change in policy/scheme of the Government for consideration according to Annexure-9,

it shall have to be dealt with and disposed of in terms of Annexure-4. In fact, this Court in **Sarasini Pradhan** (supra) directed reconsideration of transfer according to Annexure-4 even after coming in to force of the Government Notification i.e. Annexure-9. When the cause of action arose prior to the commencement of the new policy/scheme, this Court is of the considered view that any such application seeking transfer of the petitioner received prior shall have to be dealt with according to the old scheme i.e. Annexure-4. In the case at hand, the petitioner's request by an application i.e. Annexure-6 was not disposed of and as earlier stated, she was advised to submit a fresh application, which, in the considered view of this Court and for the reason stated above, is not a proper advice, as it has to be dealt with in accordance with Annexure-4. Having said that, this Court, reiterating the view expressed in **Sarasini Pradhan** (supra), is inclined to direct opposite party No.2 to dispose of the application i.e. Annexure-6 and to consider the request for transfer to the place of posting where her spouse is presently engaged in view of the notification at Annexure-4 and to pass necessary order in that regard at the earliest.

8. Accordingly, it is ordered.

9. In the result, the writ petition stands disposed of with the direction as aforesaid for compliance. It is further directed that opposite party No.2 shall deal with the application as at Annexure-6 received upon recommendation made by opposite party No.3 and to pass appropriate order considering the

Government Notification dated 19th August, 2023 as at Annexure-4 followed by a decision by a reasoned and speaking order as soon as possible soon after receiving a copy of this order and preferably within a period of four weeks from the date of its communication.

10. Issue urgent certified copy as per rules.

(R.K. Pattanaik)
Judge

Alok

Signature Not Verified
Digitally Signed
Signed by: ALOK RANJAN SETHY
Reason: Authentication
Location: ORISSA HIGH COURT
Date: 09-Nov-2026 13:59:28