



IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No. 2919 of 2026

Dhirendra Kumar Nayak

.....

Petitioner

Mr. S.K. Dalai, Adv.

-versus-

State of Odisha & Ors.

.....

Opposite Parties

Mr. C.K. Pradhan, AGA

CORAM:
THE HON'BLE MR. JUSTICE BIRAJA PRASANNA SATAPATHY
ORDER
05.05.2026

Order No. 07

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the Parties.
3. Pursuant to order dated 21.04.2026, Mr. Dilip Routrai, Collector and District Magistrate, Bhadrak appeared in person and files a preliminary counter affidavit in Court with service of copy on the learned counsel appearing for the Petitioner. The affidavit be kept in record.
4. Basing on the affidavit, learned ASC contended that since in the relevant file, Collector made some observation so enclosed vide Annexure-B/2, basing on such note-sheet on the Collector. Claim of the Petitioner was rejected by Opp. Party No.4 vide the impugned order dated 22.01.2026 under Annexure-3.
5. Learned counsel appearing for the Petitioner on the other hand contended that no such formal order was ever passed by Opp. Party No.2 while considering the claim of the Petitioner in the light of the



order passed by this Court on 14.11.2025 in W.P.(C) No.31683 of 2025. It is accordingly contended that since no such formal order has been passed by Opp. Party No.2 rejecting the Petitioner's claim, impugned order issued on 22.01.2026 under Annexure-3 is not sustainable in the eye of law.

6. Having heard learned counsel for the Parties and considering the submission made, this Court finds that challenging the order of transfer so passed on 31.10.2025 under Annexure-1, Petitioner was before this Court in W.P.(C) No.31683 of 2025. This Court vide order dated 14.11.2025 when directed Opp. Party No.2 to take a decision on the Petitioner's claim, the same was rejected by Opp. Party No.4 vide the impugned communication dated 22.01.2026 under Annexure-3, relying on an order passed by the Collector- Opp. Party No.2.

6.1. Since in the affidavit so filed, no such formal order has been passed by the Collector, rejecting the Petitioner's claim in terms of earlier order passed by this Court on 14.11.2025, it is the view of this Court that rejection of the Petitioner's claim so passed by Opp. Party No.4 under Annexure-3, is not sustainable in the eye of law.

6.3. Therefore, this Court while quashing the order dated 22.01.2026 under Annexure-3, directs Opp. Party No. 2 to take a fresh decision on the Petitioner's claim in the light of the order passed by this Court on 14.11.2025 in W.P.(C) No. 31685 of 2025. Since the Collector is present in the Court, this Court directs the Collector to pass an order within a period of two (2) weeks from the date of receipt of this order with due communication to the Petitioner. Till a fresh order is passed as directed, no coercive action be taken against the Petitioner.



7. The Writ Petition accordingly stands disposed of.

(BIRAJA PRASANNA SATAPATHY)

Judge

07. I.A. No..... of 2026

1. I.A. filed in Court be registered.

2. Considering the stand taken, personal appearance of the Officer is dispensed with.

2. I.A. stands disposed of.

(BIRAJA PRASANNA SATAPATHY)

Judge

Jyoti