



**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**WP(C) No.6284 of 2026**

***Shri Ashis Kanta Padhi***

**.....**

***Petitioner***

Represented by Adv. -  
Pitambar Panda

**-versus-**

***State Of Odisha and others***

**.....**

***Opposite Parties***

Mr. S.K. Parhi, ASC

**CORAM:**

**THE HON'BLE MR. JUSTICE ADITYA KUMAR  
MOHAPATRA**

**ORDER**

**26.02.2026**

**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. Perused the writ application as well as the documents annexed thereto.
  3. By filing the present writ application the Petitioner has filed with the following relief:

*“Therefore, it is most humbly prayed that this Hon'ble Court may be graciously pleased to admit this writ petition, issue rule Nisi calling upon the Opp. Parties to show cause as to why the Opp. Parties shall not be directed to transfer the petitioner from Ganjam district to Balasore district as per provision prescribed and the proposal pending before the O.P. No.2 since for last six month, vide Annexure-3 series, and issuing the writ of Mandamus directing the Opp. Parties to transfer the petitioner from Ganjam district to Balasore district and posted in the Block, where his spouse is working, considering the aspect of social security to one caregiver Husband to his spouse and*



*old aged parents and the spouse who is a Govt.*

*employee in consonance to the provision of rationalisation, within a stipulated period for the interest of Justice.*

*And, pass any order/ orders as deemed just and proper.”*

4. Mr. Das, learned counsel appearing for the Petitioner at the outset contended that the Petitioner was initially selected and appointed as a teacher and pursuant to such selection the Petitioner joined his duty. He further submitted that the spouse of the present Petitioner is also government employee working as a teacher under the Government of Odisha. He further submitted that the Government of Odisha, GA Department issued Office Memorandum dated 06.08.1986 thereby taking a policy decision with regard to the posting of the working spouse at the same station, since both are in government service. Accordingly, the School and Mass Education Department, Government of Odisha issued a detailed guideline on 14.05.2025 with regard to transfer of teachers in the State of Odisha. As per the guideline dated 14.05.2025 at Annexure-4, the Petitioner is eligible to apply for transfer on the ground of working spouse and accordingly he submitted a application.

5. Learned counsel for the Petitioner at this juncture contended that though the Petitioner is eligible for such transfer on the ground of a working spouse and his case was recommended by the concerned DEO, however, no decision has been taken by the Transfer Committee of the concerned district. He further submitted that the Transfer Committee has considered the cases of the similarly situated persons who had applied for transfer on the ground of a



working spouse. It has been alleged that in the aforesaid process the Petitioner has been discriminated against.

6. Being aggrieved by such conduct of the Opposite Party in discriminating the Petitioner, the Petitioner had no other alternative but to approach this Court by filing the present writ application. In course of his argument, learned counsel for the Petitioner contended that the Director, in his Office Order dated 08.10.2025, has considered the case of 69 numbers of teachers for transfer on the ground of working spouse and defence personnel. A copy of such order has also been attached to the writ application at Annexure-6.

7. Finally, the Petitioner, on inquiry, received a communication dated 19.01.2026 at Annexure-8 of W.P.(C) No.3995 of 2026 wherein it has been stated that a case of the similar Petitioner shall be considered after completion of the annual HSC Examination 2026. While assailing such decision of the Opposite Parties, learned counsel for the Petitioner contended that the guideline dated 14.05.2025 is valid for this academic year. Therefore, in the event the case of the Petitioner is not considered, there is every possibility that the guideline may be changed in the next academic year. In such view of the matter, learned counsel for the Petitioner prays for a direction to the Opposite Party to consider the case of the Petitioner strictly in terms of the guideline dated 14.05.2025 at Annexure-5, by taking into consideration the recommendation of the competent authority at Annexure-5, within the current academic year.

8. Learned counsel for the State on the other hand contended that although he does not have any specific instruction in the matter, however, taking into consideration the grievance of the Petitioner



involved in the present writ application, learned counsel for the State submitted that in the event this Court directs the Opposite Party No.2, the competent authority, to take a decision in the matter in accordance with law and the applicable guidelines within a stipulated period of time, he shall have no objection to the same.

9. Having regard to the submissions made by the learned counsels for the respective Parties, on a careful examination of the background facts as well as documents annexed to the writ application, further keeping in view the guideline dated 14.05.2025 and the fact that such guideline has been given effect to in respect to other similarly situated employees, this Court deems to fit proper to dispose of the writ petition at the stage of admission by directing the Opposite Party No.2 to consider the case of the Petitioner after completion of the annual HSC Examination in the year 2026 before end of the current academic session and any decision taken in favour of the Petitioner shall be given effect to from the next academic year without disturbing the Petitioner's posting for current academic session.

10. With the aforesaid observation and direction, the writ application stands disposed of.

Issue urgent certified copy of this order as per Rules.

**( Aditya Kumar Mohapatra )**  
**Judge**