



IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.6113 of 2026

Achyutananda Dey

.....

Petitioner

Represented by Adv. -
Pitambar Panda

-versus-

State Of Odisha & Ors.

.....

Opposite Parties

Represented by Adv. -
Mr. D.K.Sahoo, A.G.A.

CORAM:

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

ORDER

Order No.

23.03.2026

- 02.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Heard learned counsel for the Petitioner as well as learned Additional Government Advocate for the State-Opposite Parties. Perused the writ application as well as the prayer made therein.
 3. The Petitioner has filed the present writ application with the following prayer:

“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 Gajapati district to Balasore district as per provision prescribed and the impugned order dtd. 03.02.2026 shall not be quashed under Annexure-10, and issuing the writ of Mandamus directing the Opp.Parties to transfer the petitioner from Gajapati 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 rationalization, within a stipulated period for the Interest of Justice while quashing the order of rejection under challenged vide Annexure-10.

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

4. Learned counsel for the Petitioner at the outset contended that the Petitioner was initially appointed as a contractual Teacher (TGT-CBZ) on 19.01.2013 in Govt. Upgraded High School, Merapalli under D.E.O., Gajapati, Paralakhemundi. Upon completion of six years of service, the service of the Petitioner was regularised as Assistant Teacher (CBZ) in the cadre of Junior SES. Upon confirmation of service, the Petitioner applied for transfer on spouse ground on the basis of the notification of Govt. of Odisha dated 01.10.2025 and 14.05.2025.

5. In course of his argument, learned counsel for the Petitioner further submitted that the wife of the Petitioner namely, Madhusmita Patra, who serving as an Assistant Teacher w.e.f. 30.11.2019 in Govt. High School, Tapandia in the district of Balasore. Therefore, the Petitioner, who is serving in the district of Gajapati applied for inter district transfer for the academic session 2023-24 by submitting his online application.

6. In the present writ application, the Petitioner being aggrieved by order dated 03.02.2026 at Annexure-10 has



approached this Court by filing the present writ application. Referring to the impugned order, learned counsel for the Petitioner contended that although the application of the Petitioner was complete in all respect and there was vacancy in Balasore district, the application of the Petitioner has been rejected by the Opposite Party No.2, i.e., Director Secondary Education, basically on two grounds-

i) The vacancy which was locked by the Petitioner in the online portal was not actually objected vacancy of TGT-CBZ Assistant Teacher in respect of Balasore district. Such vacancy has been shown erroneously due to a technical error in the online portal.

ii) The service certificate of the spouse was not produced before the Competent Authority for consideration.

7. Learned counsel for the Petitioner at this juncture contended that although the vacancy position was shown in the online portal and the Petitioner had locked his choice and along with his application also submitted the service certificate of his wife, however the same has not been considered by the Opposite Parties. On such ground, learned counsel for the Petitioner contended that the impugned rejection order dated 03.02.2026 at Annexure-10 is unsustainable in law.

8. Learned Additional Government Advocate on the other hand contended that the application submitted by the Petitioner in the online portal was duly considered by the Opposite Party No.2 as is evident from the impugned rejection order dated



03.02.2026 at Annexure-10. He further contended that the prayer of the Petitioner was duly considered and rejected by passing a speaking and reasoned order. Further, referring to the impugned order, learned Additional Government Advocate contended before this Court that the choice of the Petitioner was locked in the online portal on the basis of a technical error. Therefore, the case of the Petitioner has not been considered for transfer as there was no actual vacancy in Balasore Education District. He further submitted that the impugned rejection order also reveals that the service certificate of the spouse of the Petitioner was also not furnished before the authorities for consideration. In such view of the matter, learned counsel for the State contended that the Opposite Parties have not committed any illegality.

9. On a careful consideration of the submission made by the learned counsel appearing for both sides as well as the documents annexed to the writ application, further keeping in view the factual background of the present writ application and on a close scrutiny of the impugned rejection order dated 03.02.2026, this Court found that although a vacancy was shown in the web portal and the Petitioner locked his choice, however the same was subsequently found to be due to a technical error. So far, the service certificate of the wife of the Petitioner is concerned, learned counsel for the Petitioner contended that the same was produced before the authority for consideration. However, the same has not been deliberately considered and the prayer of the Petitioner has been illegally rejected. In view of the aforesaid position, this Court is of the view that the case of the



Petitioner has not been properly considered, particularly in terms of the notification of the government with regard to continuance of both the spouse at the same centre. Accordingly, this Court has no hesitation setting aside the order dated 03.02.2026 at Annexure-10. The same is hereby set aside. Further, the matter is remanded back to the Opposite Party No.2 for fresh consideration of the grievance of the Petitioner strictly in accordance with the rules and applicable notification of the Government. The Petitioner is directed to approach the Opposite Party No.2 along with a copy of today's order within two weeks from today. In such eventuality, the Opposite Party No.2 shall consider and dispose of the grievance of the Petitioner by passing a speaking and reasoned order taking into consideration the notification of the Government within a period of six weeks from the date the Petitioner approaches the Opposite Party No.2. The final decision so taken by the Opposite Party No.2 be also communicated to the Petitioner within ten days thereafter.

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

(A.K. Mohapatra)

Judge