



IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.6072 of 2026

Birendra Kumar Biswal

.....

Petitioner

Represented by Adv. -
Laxmi Prasad Dwivedy

-versus-

State Of Odisha & Others

.....

Opposite Parties

Represented by Adv. –
Mr. S.K. Parhi, ASC

CORAM:

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

ORDER

24.02.2026

Order No.

01.

WP(C) No.6072 of 2026 & I.A. No.3737 of 2026

1. This matter is taken up through Hybrid mode.
2. Heard learned counsel for the Petit//'ioner as well as learned Additional Standing Counsel for the State-Opposite Parties. Perused the writ petition as well as documents annexed thereto.
3. By filing the present writ petition the Petitioner has sought for following relief:-

“Under the aforesaid facts and circumstances of the case, it is therefore, prayed that this Hon'ble Court may graciously be pleased to:

(i) quash the impugned Order, dated 18.02.2026, passed by the Opp.Party No.2 as at Annexure-7, in respect of the Petitioner, by concurrently holding the same is bad, illegal and is not sustainable and/or maintainable in the eye of law;

(ii) pass such other order(s) or issue direction(s) as may be deemed fit and proper in the bona fide interest of justice.”



4. Learned counsel for the Petitioner at the outset contended that the Petitioner being aggrieved by the order dated 18.02.2026 at annexure-7 passed by the State Project Director, O.S.E.P.A- Opposite Party No.2 to the writ application, thereby transferring the Petitioner from O.A.V.S., Bhubaneswar to D.P.O., Samagra Sikshya, Kalahandi. Learned counsel for the Petitioner further submitted that the Petitioner has served 14 years at Bolangir, thereafter, on the ground of his ailment, as he is suffering from chronic heart disease, and on the representation the Petitioner was transferred to O.A.V.S., Bhubaneswar facilitated for advanced medical facilities. He further submitted that although the Petitioner has left two years of service for retirement, he has been transferred at a fag end of his career, which is likely to cause difficulty to the Petitioner. In the aforesaid context, learned counsel for the Petitioner contended that the order transfer dated 18.2.2026 at annexure-7, which is likely to cause serious prejudice to the Petitioner and the same should be quashed.

5. Learned counsel for the State on the other hand submitted that although he has no specific instruction in the matter, however, he further contended that the Petitioner has not approached the Opposite parties for redressal of his grievance instead of approaching this Court directly by filing the present writ application. In such view of the matter learned counsel for the State contended that in the event the Petitioner is directed to approach the Opposite Parties for redressal of his grievance in accordance with law within a stipulated period of time. He will have no objection to the same.



6. Having regard to the submission made by the learned counsel for the respective parties, on a careful examination of the backgrounds facts as well as the documents annexed to the writ application further taking note of the limited nature of the grievance involved in the present writ application, this Court deems it proper to dispose of the writ petition at the stage of admission by granting liberty to the Petitioner to approach the Opposite Party No.2 by filing a detailed representation taking therein all the grounds along with all the supporting documents to within a week from today. In such eventuality, the Opposite Party No. 2 shall do well to consider and dispose of the representation in accordance with the rules and the circular/notifications and dispose of the representation of the Petitioner by passing a speaking and reasoned order within four weeks. The final decision so taken be communicated to the Petitioner within ten days thereafter.

7. As an interim measure, it is further directed that the Petitioner shall not be relieved from his present post for a period of six weeks’.

8. With the aforesaid observations/ directions, the writ petition is disposed of.

Urgent certified copy of this order be granted on proper application.

(Aditya Kumar Mohapatra)
Judge

Suchitra