



IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.9493 of 2026

Milan Chatterjee

.....

Petitioner

Represented by Adv. –
Mr. R. Rath

-versus-

***Directorate of Elementary
Education, Heads of Department
Building, Bhubaneswar and
others***

.....

Opposite Parties

Represented by Adv. –
Mr. Sarbeswar Behera, AGA

CORAM:

THE HON'BLE MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER

26.03.2026

Order No.

- 01.
1. This matter is taken up through Hybrid mode.
 2. Heard the learned counsel for the Petitioner. Perused the writ petition as well as the documents annexed thereto.
 3. By filing the present writ petition, the Petitioner has made the following prayers:-

The Petitioner therefore most humbly prays your lordships may be graciously pleased to admit the writ petition, issue a rule nisi to the opp. parties and to show cause as to why:

- i. *the order of transfer issued by the office of Opp. Party No.2 shall not be quashed as illegal, arbitrary, tainted with mala fide issued without any administrative exigency and violates Article-14, Article-16 and Article-21 of the Constitution of India as per Annexure-1.*
- ii. *the order passed by the Opp. Party No.2 as per*



annexure-1 shall not be quashed as said decision taken by the Opp. Party No.2 is completely arbitrary and misuse of power resulting in causing irreparable injury to the petitioner and amounts to uprootment of the family tree of the petitioner.

iii. the petitioner shall not be allowed to continue in his parent school i.e. Stewart School Cuttack.

AND

On their failing to show cause for showing insufficient cause make the rule nisi absolute.

AND

And/or pass any other order/orders/direction/directions as this Hon'ble Court may deem fit and proper to secure the ends of Justice.”

4. Learned counsel for the Petitioner, at the outset, contended that the Petitioner was initially engaged as an Assistant Teacher by the Management of the Stewart School, Cuttack. Learned counsel for the Petitioner further contended that while discharging his duty as an Assistant Teacher, the Petitioner has been transferred by the management of the School. He further submitted that the Petitioner, who is having certain personal difficulties owing to the fact that the father of the Petitioner is suffering from cancer and that presence of the Petitioner is required to take care of his father, challenging his transfer, has already filed an appeal before the Opposite Party No.1 dated 20.03.2026 at Annexure-16 to the writ petition. He further submitted that since no decision has been taken by the Opposite Party No.1, the Petitioner has



approached this Court by filing the present writ petition.

5. Learned counsel for the State, on the other hand, contended that the Opposite Party-School is a privately managed educational institution. Therefore, he raised preliminary objection with regard to the maintainability of the writ petition. However, he contended that in view of the appeal pending before the Opposite Party No.1 and since no final decision has been taken thereon, he will have no objection in the event this Court directs the Opposite Party No.1 to dispose of such appeal in accordance with law and within a stipulated period of time.

6. Considering the submissions made by the learned counsels appearing for the respective parties and on a careful examination of the background facts of the present case, this Court, without expressing any opinion on the merit of the matter, deems it proper to dispose of the writ petition by directing the Opposite Party No.1 to consider and dispose of the appeal of the Petitioner dated 20.03.2026 at Annexure-16 strictly in accordance with the applicable rules and the laws, within a period of four weeks from the date of communication of a copy of this order by passing a speaking and reasoned order. The final decision so taken on such appeal be communicated to the Petitioner within a week thereafter. It is further directed that till a decision is taken on the appeal of the Petitioner dated 20.03.2026 at Anneuxre-16, the impugned



order of transfer at Annexure-1 shall not be given effect to for a period of four weeks.

(Aditya Kumar Mohapatra)
Judge

Debasis