



IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.12721 of 2026

Narendra Kumar Barik

.....

Petitioner

Represented by Adv. -
Tapan Kumar Biswal

-versus-

State of Odisha & Ors.

.....

Opposite Parties

Represented by Adv. –
S.Behera, A.G.A.

CORAM:

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

ORDER

27.04.2026

Order No.

01.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner and learned Additional Government Advocate for the State-Opposite Parties. Perused the Writ Application as well as the documents annexed thereto.
3. Petitioner is knocking at the doors of the Writ Court for assailing the transfer order dated 22.04.2026 made by OP No.2 at Annexure-4.
4. Learned counsel for the Petitioner submits that Apex Court in ***B. Varadha Rao v. State of Karnataka, AIR 1986 SC 1955*** has held that it is open to the employees to make representation against the transfer order and if such representation is made, a decision thereon has to be taken on a war footing. He also draws attention of the Court to the spousal ground taken and also the hardship, which



the family of the petitioner would be put to because of transfer when there are two kids. He further submits that whatever be the merits of the subject representation, decision has to be taken and till decision is taken the petitioner should be protected from the agony of transfer.

5. Learned AGA appearing for the official OPs opposes the petition contending that there is no immunity from transfer in public service. He also quotes **B. Varadha Rao** (supra) in support of his contention.

6. Having heard learned counsel for the parties and having perused the petition papers, this Court is inclined to grant indulgence in the matter as under, inasmuch as it agrees with the contentions taken in the petition coupled with the submission made by the petitioner's counsel, which accords with the broad view of the Apex Court, as has been expressed in **B. Varadha Rao** (supra) and such other cases. Accordingly, the Petitioner is directed to approach before the Opposite Party No.2 along with a certified copy of this order within a period of one week from today. In such eventuality, the Opposite Party No.2 shall do well to consider the representation of the Petitioner strictly in accordance with law and dispose of the representation of the Petitioner within a period of four weeks from the date of communication of a certified copy of today's order. It is further directed that till consideration takes place, Petitioner shall be continued in the same place, as she was, before the issuance of impugned transfer order.

7. It is open to the answering OP to solicit any information or documents from side of the petitioner, as are required for due consideration of the subject representation: however, subject to the



rider that in that guise the delay shall not be brooked.

8. The Writ Petition is disposed of accordingly.

Urgent certified copy of this order be granted as per rules.

(A.K. Mohapatra)
Judge

Anil