



IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.20209 of 2025

Bibhu Prasad Behera

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Petitioner

Represented By Adv. -
Manoja Kumar Khuntia

-versus-

1) State Of Odisha

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Opposite Parties

2) D.g. And I.g. Of Police, Cuttack
3) Addl. D.g.p., S.a.p., Odisha
4) Commandant, O.s.a.p., 6th Bn.,
Cuttack

Represented By Adv. –
Mr. U.R. Jena, A.G.A.

CORAM:

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

ORDER

Order No.

22.07.2025

01. 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 documents annexed thereto.
3. The Petitioner has filed the present writ application with the following prayer:

“It is therefore humbly prayed that this Hon'ble Court may graciously be pleased to admit the case, call for the records and after hearing both the parties pass the following reliefs;

i) To quash the order dtd.20.07.2025 under Annexure- 2-in so far as it relates to petitioner.

ii) To direct the Opposite Parties to allow the petitioner to continue at his present place of posting.

And pass such other order/orders as may be



deemed fit and proper for the interest of justice.”

4. Learned counsel for the petitioner at the outset contended that the petitioner was initially appointed as Sepoy in the year 2000. Thereafter, he has been discharging his duties and in the meantime he has been promoted to the post of Havildar. Learned counsel for the petitioner further contended that on the ground of his illness the petitioner had once forgone his promotion in the year 2018. In the present writ application, the petitioner has challenged the order of transfer dated 20.07.2025 under Annexure-2 to the writ application on the ground of his illness. Medical documents have been filed along with the present writ application as Annexure-3 series. It seems that the petitioner has undergone surgery, however this Court found that the petitioner has not approached the competent authority before approaching this Court by filing the present writ application.

5. Learned counsel for the State on the other hand contended that the petitioner has approached this Court before approaching the Competent authority for redressal of his grievance. He further submitted that in the event the petitioner is directed to approach the Opposite parties by filing a detailed representation with a corresponding direction to the Opposite party No.2 to consider the same in accordance with law within a stipulated period of time and he will have no objection.

6. Having regard to the submissions made by the learned counsel for the parties, on a careful examination of the background facts, further keeping in view the nature of the dispute involved in the writ application, this Court deems it proper to dispose of the writ application 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 supporting medical documents within a week from today. In such eventuality, the Opposite party No.2 shall consider the representation of the petitioner in accordance with law and dispose of the same by passing a speaking and reasoned order within four weeks from the date of communication of a copy of today's order. The final decision so taken be communicated to the petitioner within ten days thereafter. Further, it is directed that in the event the petitioner has not been relieved in the meantime, he shall not be relieved for a period of six weeks.

7. With the aforesaid observations and directions, the writ application stands disposed of.

8. Issue urgent certified copy of this order as per Rules.

(A.K. Mohapatra)

Judge

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