



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.25563 of 2025

W.P.(C) No.25308 of 2025

W.P.(C) No.25314 of 2025

W.P.(C) No.26740 of 2025

W.P.(C) No.32322 of 2025

&

W.P.(C) No.32434 of 2025

Debashish Bindhani

In W.P.(C) No.25563 of 2025

Sri Subash Chandra Mahalik

In W.P.(C) No.25308 of 2025

Kshyana Prava Nayak

In W.P.(C) No.25314 of 2025

Swati Ray

In W.P.(C) No.26740 of 2025

Nirakar Biswal

In W.P.(C) No.32322 of 2025

Suchitra Samal

In W.P.(C) No.32434 of 2025

.... Petitioners

Mr.Kunal Ku. Swain,

Advocate in all W.Ps

-versus-

State of Odisha & Others

... Opposite Parties

Mr.S.K. Jee,

AGA in all W.Ps.

CORAM:

JUSTICE DIXIT KRISHNA SHRIPAD

ORDER

16.12.2025

Order No.

04

In all these petitions, what is put in challenge is rejection of mutual transfer requests of the teachers essentially on the ground that their earlier requests were favoured and accordingly they were given posting.



2. Learned counsel for the petitioners vehemently argues that the Transfer Guidelines dated 14.05.2025 at Annexure-5 do not put a cap on the number of requests for mutual transfer when it comes to inter-district postings and therefore, the impugned orders are liable to be invalidated. Learned AGA appearing for the official opposite parties resists the petitions refuting the submission of petitioners. He contends that under the subject Transfer Guidelines, request for mutual transfer can be made only once in total service and in the absence of challenge to the said Guidelines, no relief can be granted to the petitioners.

3. Having heard learned counsel for the parties and having perused the petition papers, this Court declines indulgence in the matters broadly agreeing with the submission of learned AGA. Paragraph-2(l) of the subject Transfer Guidelines reads as under:

“The inter-district transfer can be availed by an employee only once in his/her total service period. Any person, who has already availed inter-district transfer earlier, will not be considered for making this check using service book and other related documents of teachers while validating the transfer applications online.”

4. The vehement submission of petitioners’ counsel that the above paragraph is not applicable to inter-district transfer, is bit difficult to countenance for more than one



reason: Firstly, Paragraph-1 of the Guidelines speaks of their applicability to employees working in Government Schools; Paragraph-2 enumerates 'General Principles', in which Clause (l), which is reproduced above, figures. By the text & context, these 'General Principles' apply to all transfers contemplated under the Guidelines, whether such transfers are intra-district or inter-district. Secondly, an argument to the contrary would be discriminatory qua one set of employees who seek intra-district mutual transfer. Such an interpretation should generally be avoided, subject to all just exceptions. Thirdly, petitioners' contention is too farfetched to be accepted.

5. Very importantly, no public servant is immune from transfer, unless the rules provide to the contrary. At times, State as a Model Employer issues Guidelines of the kind for regulating transfer of public servants like the teachers of Government Schools. The violation of Transfer Guidelines *per se* does not give a choate cause of action for knocking at the doors of Writ Court, barring in exceptional cases. The request of the petitioners for mutual transfer has been rejected on the ground that they had already availed such a concession. This cannot be faltered by any standards of fairness & reasonableness obtained in the realm of service jurisprudence.



6. Learned AGA appearing for the opposite parties is more than justified in contending that allowing multiple requests for mutual transfers would create chaos in administration, apart from creating other undesirable consequences. The vehement submission of petitioners' advocate that unless the law restricts, public servants can seek any number of mutual transfer, spurns the rules of reason & justice. Added, it is always the prerogative of employer to favour such request or not. Two public servants by their mutual agreement, as a matter of right, cannot have exchange of posting. A contra position would not augur well to the public administration. Ordinarily, in all civilized service jurisprudence, mutual transfer is allowed once in service tenure. This is not to rule out extreme cases that may justify the claim for mutual transfer more than once. Such cases of discretion may be on medical grounds, extreme hardship, spousal placements and the like. However, that is not the case in these petitions.

In the above circumstances, these petitions being devoid of merits are liable to be and accordingly dismissed, costs having been made easy.

(Dixit Krishna Shripad)
Judge