

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 3814 OF 2015**

Omprakash Nayak S/o Shri Tekram Nayak aged about 26 years Occupation Service Posted as Assistant Teacher Panchayat at Govt. Primary School Nageda Block Kasdol P.S. Kasdol Civil and Revenue District Balodabazar-Bhatapara (CG)

---Petitioner**Versus**

1. State of Chhattisgarh through the Secretary Panchayat and Rural Development Department Mahanadi Bhawan Capital Complex New Raipur District Raipur (CG)
2. Collector Balodabazar-Bhatapara District Balodabazar-Bhatapara (CG)
3. Chief Executive Officer Jila Panchayat Balodabazar-Bhatapara Civil and Revenue District Balodabazar-Bhatapara (CG)
4. District Education Officer Balodabazar-Bhatapara Civil and Revenue District Balodabazar-Bhatapara (CG)

----Respondents

For Petitioner	:	Mr. Sunil Sahu, Advocate
For Respondents	:	Mr. Yashwant Singh Thakur, Dy. Advocate General

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****27/10/2015**

1. With the consent of the learned counsel for the parties, the matter is heard finally.
2. The petitioner is an Assistant Teacher (Panchayat). By the impugned order, he has suffered a rationalization posting after being declared as a surplus teacher in the presently posted school. Drawing attention to the certificate (Annexure-P/3) issued by the District Medical Board, Mahasamund, learned counsel would submit that the petitioner is a handicapped person, therefore, in terms of the rationalization policy dated 11/07/2014, the

petitioner should not have been declared surplus teacher.

3. Learned State counsel would submit that the rationalization posting is ordered only after holding counseling, however, the documents annexed with the writ petition would not demonstrate the fact that the petitioner is handicapped was informed to the authorities.

4. Having considered the rival submissions, the writ petition is disposed of with a direction that in that event, the petitioner prefers a representation before the Collector, Balodabazar-Bhatapara, within a period of 15 days from today, the said authority shall consider and decide the representation within a period of 15 days from the date of submission of representation. For a period of 4 weeks from today, the status-quo, as it exists today, with regard to petitioner's posting shall be maintained.

5. It is made clear that this Court has not expressed any opinion on the merits of the case and the respondent authorities shall decide the matter, on its own merits, strictly in accordance with law, without treating any observation made in this order, as opinion on the merits of the case.

Sd/-
(Sanjay K. Agrawal)
JUDGE

Tiwari