

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3461 of 2015

- Dukalu Ram Kolta S/o Chedu Ram, Aged About 22 Years Working As Assistant Teacher Panchayat, Govt. Primary School Pulaini, Block Bhatapara, District Baloda Bazar Bhatapara, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Panchayat And Rural Development Department, Mantralaya, P. S. Rakhi, Tahsil Aarang, Naya Raipur, District Raipur, Chhattisgarh.
2. Chief Executive Officer, Zila Panchayat Baloda Bazar Bhatapara, Chhattisgarh.

---- Respondents

For Petitioner	Shri C.J.K. Rao, Advocate
For Respondent/State	Shri Shashank Thakur, GA

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board By

23/09/2015

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-2) issued by the District Medical Board, Raipur, 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 that 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 the event, the petitioner prefers a representation before the Collector, Baloda Bazar-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/-

JUDGE

PRASHANT KUMAR MISHRA