

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**W.P.(S) No. 2411 OF 2016**

Tarun Sidar S/o Shri Pitamber Sidar aged about 32 years working as Assistant Teacher (Panchayat) at Govt. Primary School Ziladi Pousour Tahsil Pousour and District Raigarh (C.G.)

---- Petitioner**Versus**

1. State of Chhattisgarh Through Secretary, Panchayat and Rural Development Department, Mantralaya, Mahanadi Bhawan, Naya Raipur (C.G.)
2. The Collector, Raigarh, District Raigarh (C.G.)
3. Chief Executive Officer Zila Panchayat Raigarh District Raigarh (C.G.)
4. Chief Executive Officer Zila Panchayat Baloda Bazar District Baloda Bazar Bhatapara (C.G.)
5. Chief Executive Officer Janpad Panchayat Pousour District Raigarh (C.G.)

---Respondents

For Petitioner	: Mr. R.S. Patel, Advocate
For Respondents/State	: Mr. Dilmanrati Minj, Dy. Government Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order on Board****28/06/2016**

1. Learned counsel for the petitioner submits that in view of the circular dated 11.7.2014, a teacher who is disabled cannot be treated as 'Surplus Teacher'. However, upon being asked whether the petitioner has preferred any representation, it is submitted that no representation has been filed.

2. In view of the above submission, this petition at this stage is disposed off with a liberty to the petitioner to file representation before the competent authority who passed the transfer order bringing to notice the provisions contained in relevant Government circular providing for exemption

from transfer of disabled employee.

3. If the petitioner prefers representation within a period of 10 days from today, the same shall be considered and decided by the competent authority within a period of 15 days from the date of filing of the representation.

4. For a period of three weeks, coercive steps shall not be taken against the petitioner.

5. With the aforesaid observations, writ petition stands finally disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge