

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3370 of 2016

- H.R. Uike S/o Shri Bishali Ram Uike, Aged About 49 Years Post Assistant Grade II, Posted At Sahid Kaushal Yadav Government College, Gunderdehi, District Balod (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Higher Education Department, Office At Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur (Chhattisgarh)
2. Deputy Secretary, Higher Education Department, Office At Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur (Chhattisgarh)

---- Respondents

For Petitioner : Mr. Praveen Dhurandhar, Advocate
For State : Mr. S.P. Kale, Dy. Advocate General

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

04/08/2016

Heard.

1. The transfer order has been challenged on the sole ground that the petitioner is suffering disability upto the extent of 50%. It is submitted that as per Government Policy clause 1.5 of the Circular dated 03.06.2015, it has been stated to exempt disabled persons from their posting in tribal area.
2. The aforesaid ground of challenge requires consideration because it is a policy matter. Moreover, the subsequent policy dated 11.06.2016 exists in the matter of transfer in the present season, this aspect is to be considered by the State.
3. It is found that no representation has been made by the petitioner. It is directed that in case, the petitioner prefers representation within a period of 10 days before the competent authority, the same shall

be decided in three weeks. If no one has joined at the present place of petitioner's posting, coercive steps shall not be taken against the petitioner for a period of four weeks.

4. The petition is accordingly disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Chandra