

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 5036 of 2017**

Santram Dongre S/o Late Pardeshi Ram Dongre, Aged About 48 Years
Working As Upper Division Teacher, Govt. Middle School, Hathadandu,
Block Nawagarh, District Bemetara Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, School Education
Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, District
Raipur Chhattisgarh.
2. District Education Officer, Bemetara, District Bemetara Chhattisgarh.

---- Respondents

For petitioner : Mr. C. Jayant K. Rao, Advocate

For State : Mr. Chandresh Shrivastava, Panel Lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order on Board****22/09/2017**

Heard.

1. The transfer order is under challenge on the ground that its violates statutory provision of Clause 1(b) of the Schedule appended to the Right of Children to Free and Compulsory Education Act, 2009 (in short " The RTE Act").

2. Learned counsel for the petitioner submits that if the petitioner is transferred from the present school to any other institution, the school will be left with only 4 teachers, whereas for every 35 students, there has to be one teacher along with other conditions as enumerated in the Clause 1(b) of the RTE Act.

3. It is found that the total number of students in the institution are 155 which is more than 140 but less than 175. Need for 5 teachers will arise when there are 175 students. Therefore, no ground is made out for interference. However, the transfer order shows that the petitioner has been transferred to a block without showing the place where he is to be posted. Unless the District Education Officer clearly passes a clear order of posting of the petitioner, the petitioner would continue in the present institution.

4. The petition is accordingly disposed off.

Sd/-

(Manindra Mohan Shrivastava)

Judge

Rohit