

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 5038 of 2016

- Girish Kumar Banskar S/o. Shri Prem Lal Banskar. Aged About 40 Years R/o Village Bhatapara (Kodebodh) Post & Thana Kurud, Distt. Dhamtari (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through: The Secretary. School Education, Department , Mahanadi Bhawan, New Raipur, Chhattisgarh.
2. The Collector, Dhamtari, District-Dhamtari, Chhattisgarh.
3. District Education Officer. Dhamtari, District-Dhamtari Chhattisgarh.
4. The Chief Executive Officer Janpad Panchayat, Kurud, District Dhamtari Chhattisgarh.
5. Shri Ganga Prasad Sahu Assistant Teacher (Panchayat) Govt. Primary Shcool Kodebod, Post & Thana-Kurud, District-Dhamtari, Chhattisgarh.

---- Respondents

For Petitioner	:	Shri Somkant Verma, Advocate
For Respondent/State	:	Shri Satish Gupta, Govt. Advocate
For Respondent No. 4 & 5	:	None appears, though served

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

08/03/2017

1. Heard.
2. Despite repeated time granted to the respondents, return has not been filed by any of the respondents. Learned State counsel again prays for adjournment, I am not inclined to grant further time. In the present case only question arising for consideration is whether the respondents are justified in declaring the petitioner as surplus.
3. Learned counsel for the petitioner submits that the transfer order was passed on 30/04/2016 illegally declaring the petitioner as surplus by excluding respondent No. 5 which could not be done. He further submits that the exclusion of respondent No. 5 from the category of surplus employee is applicable where the transfer is from middle school and not

primary school.

A teacher of Sanskrit cannot be exempted from transfer, when the matter relates to transfer from Primary School to Primary School because Sanskrit is not taught. The policy that a teacher of Sanskrit would not be treated as surplus is applicable for middle school teacher as Sanskrit is taught in middle school and not in primary school, therefore, in this circumstance, the transfer of the petitioner is set-aside . The petitioner shall continue at the present place of posting.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Kamde