

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 4142 of 2017

Lakhan Patel S/o Late Padum Lal Patel, Aged About 52 Years Head Master,
Govt. Primary School, Belpali, Block Pusour, District Raigarh Chhattisgarh

---- Petitioner

Versus

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

---- Respondents

For Petitioner	:	Shri CJK Rao, Advocate
For State	:	Shri Chandresh Shrivastava, Panel Lawyer

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

30/08/2017

Heard.

1. Learned counsel for the petitioner submits that the petitioner is being transferred from present school with the strength of two teachers to another school with the strength of 6 teachers. In the present school, there are 29 students and the school where the petitioner is being transferred there are 87 students. It is submitted that requirement of Head Master is in a school of 115 or more student. Learned counsel further submits that as per Schedule appended with Right of Children to Free and Compulsory Education Act, 2009 (hereinafter referred to as "*RTE Act*"), for strength up to 60 students, there has to be total two teachers and for strength of 61 to 90 students, only three teachers are required. Therefore, it is submitted by learned counsel for the petitioner, transfer order is not only unwarranted but contrary to statutory provision contained in RTE Act.
2. If the aforesaid facts are correct, transfer order would be bad. Let the matter be re-considered by the transferring authority on the aforesaid

aspect keeping in view the statutory requirement of RTE Act. And appropriate decision be taken within a period of six weeks. Till appropriate orders are passed, the petitioner shall not be compelled to proceed on transfer under the impugned order.

3. The petition is accordingly disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Praveen