

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 4519 of 2017

Rewadas Tandan S/o Chuwadas Tandan, Aged About 54 Years Presently Working As Head Master, Govt. Middle School, Sukhatal, District Bemetara, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Scretary, Education Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur, Chhattisgarh.
2. Collector, Bemetara, District - Bemetara Chhattisgarh.
3. District Education Officer, Bemetara, District Bemetara, Chhattisgarh.

---- Respondents

For Petitioners	:	Shri CJK Rao, Advocate
For State	:	Shri A.S. Kachhawaha, Additional A.G.

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

Order On Board

05/09/2017

Heard.

1. The transfer order is under challenge on the ground that if the petitioner is transferred from present school to another school, only one teacher would be left whereas according to statutory provision contained in the Schedule appended to the Right of Children to Free and Compulsory Education Act, 2009, for 100 students there has to be at least one Head Master and three teachers subject wise. The school where the petitioner is being transferred, there are 191 students and 5 teachers though no Head Master.
2. It is found that whether the petitioner remains in the present school or transferred to another school, the criteria of there being one Head Master over and above 100 students is going to be violated one way or the other. Therefore, in these circumstances, this Court would not examine the exigency

but the authority should ensure that Head Masters are available in all the schools with more than 100 students. Considering that the petitioner is a Head Master and is being shifted to a school where there are more teachers as compared to present school, this Court would not interfere with the transfer order. The authority may consider posting of a teacher in school wherefrom the petitioner has been transferred

3. With the observations as above, the petition is dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Praveen