

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 4326 of 2017

Nirdesh Kumar Banjara S/o D. R. Banjara, Aged About 48 Years Presently Working As Head Master Govt Middle School, Sambalpur, Block Nawagarh, District Bemetara, Chhattisgarh.

---- Petitioner

Versus

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

---- Respondents

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

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

31/08/2017

Heard.

1. This petition has been filed by the petitioner challenging transfer order dated 14.08.2017 on the ground that the petitioner, who is a Head Master, is required to be posted in school where there are more than 100 students as per the provision contained in the scheduled appended II under Right of Children to Free and Compulsory Education Act, 2009 (for short 'the Act of 2009'). In the school, where the petitioner is presently working, there are 270 students, whereas, in the the school, where the petitioner is being transferred, there are only 61 students. Therefore, the movement of the petitioner is in violation of the statutory provision contained in the Act of 2009.
2. Having considered the aforesaid submission, the matter requires due consideration and appropriate modification in the impugned order to bring it

conformity with the requirement of the Act of 2009.

3. The petitioner's case shall be duly considered by the transferring authority within a period of six weeks from the date of receipt of copy of this order and appropriate orders shall be passed. For a period of six weeks, no coercive steps shall be taken against the petitioner till the appropriate decision is taken in the matter.
4. The petition is accordingly disposed off.

Sd/-

(Manindra Mohan Shrivastava)
J U D G E