

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 4583 of 2017**

Smt. Athelarida Lakda W/o Juvel Lakda, Aged About 60 Years Presently
Working As Head Master, Govt. Primary School, Loro, Block Duldula District
Jashpur Chhattisgarh.

---- Petitioner**Versus**

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

---- Respondents

For Petitioner	:	Mr CJK Rao, Advocate
For Respondent/State	:	Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****07/09/2017**

Heard.

1. The transfer order is under challenge on the ground that it violates statutory provision relating to Teacher-Pupil ratio as provided in the schedule appended-II under Right of Children to Free and Compulsory Education Act, 2009 (for short "the Act of 2009"). It is submitted that in the school, where the petitioner is presently working, there are 45 students. Therefore, as per the statutory requirement, there have to be atleast 2 teachers, whereas in the institution, the petitioner is being transferred as against 65 students, there are already 3 teachers and there is no need of posting of any other teacher because up to the strength of 90 students, the statutory requirement is of 3 teachers, who are already posted there.

2. The submission made by learned counsel for the petitioner requires consideration in the light of the Teacher-Pupil ratio provided in the Act of 2009. The matter be examined by the competent authority, who has passed the transfer order and pass appropriate orders in the matter keeping in view the statutory requirement of having two teachers in the school where the petitioner has remained posted. The decision should be taken within a period of 6 weeks from the date of receipt of copy of this order. For a period of 6 weeks, the petitioner shall be allowed to continue, provided no one has joined at the place of the petitioner.
3. The petition is accordingly disposed off.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge