

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 6802 of 2017**

- Ashvary Kumar Baiga Shri Awadhram Baiga, Aged About 30 Years Presently Working At Assistant Teacher (Panchayat), Govt. Primary School, Podi, Block Masturi, District Bilaspur Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Panchayat And Rural Development, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur, Chhattisgarh.
2. District Panchayat, Bilaspur, Through Its Chief Executive Officer, District Bilaspur Chhattisgarh
3. Block Education Officer, Block Masturi, District Bilaspur Chhattisgarh

---- Respondent

For Petitioner
For Respondents/State

Shri Sanjeev Kumar Sahu, Advocate.
Shri Sameer Behar, P.L.

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****06/12/2017**

1. Challenge in this petition is to the order Annexure P-1 by which he has been transferred from Govt. Primary School Podi, block Masturi, District Bilaspur (C.G.) to Govt. Primary School Thakurdeva on the ground of administrative exigency.
2. The ground raised by the petitioner is that as per the provisions of the Right to Free and Compulsory

Education, Act, there should be one teacher on 30 students and in this school there are total 153 students and in respect of the said students 6 teachers are required. Seniority of the petitioner is 5th in position, therefore, he is not a surplus teacher.

3. Considering the facts situation of the case, it would be appropriate to allow the petitioner to prefer a representation before the concerned competent authority raising his grievance against the impugned transfer order.
4. Let the petitioner prefer representation within a period of 04 weeks from today and thereafter, the concerned competent authority shall consider and decide the same within the next 8 weeks, in accordance with law and on its own merits.
5. For a period of 12 weeks or till the representation is decided, whichever is earlier, the *status quo*, as it exists today, in respect of the petitioner's posting, shall be maintained.
6. The writ petition is accordingly disposed of.
7. It is made clear that this Court has not expressed any opinion on the merits of the case and the respondent authorities shall decide the matter, on its own merits, strictly in accordance with law, without treating any observation made in this order, as opinion on the merits of the case.

Sd/-
Judge
Prashant Kumar Mishra