

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No.4086 of 2017

- Hosh Lal Nayak S/o Late Hemprasad Nayak, Aged About 58 Years Head Master, Govt. Middle School, Dumarपाली, 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.
3. Collector-Cum- District Mission Director, Rajiv Gandhi Shiksha Mission, Raigarh, District Raigarh, Chhattisgarh.

---- Respondents

For Petitioner	:	Shri CJK Rao, Advocate
For Respondent/State	:	Shri Avinash Singh, PL

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

28/08/2017

Heard.

2. Transfer order is under challenge on the ground that the petitioner is being transferred from a school, where there are two teachers and the petitioner is Head Master and the place where the petitioner is being transferred, there are four teachers. It is submitted that if the petitioner is transferred to other school, it would be unnecessary and if the petitioner is shifted from the present school, there is violation of Section 25 read with Schedule 1-b of Right of Children to Free and Compulsory Education Act, 2009 (In short “the Act of 2009”), as it will disturb pupil teacher ratio in the present school, where the petitioner is posted.

3. Considering the nature of ground raised in this petition, matter is required to be considered by the competent authority as to whether transfer of the petitioner is in accordance with the provisions of the Act of 2009.

4. Let this matter be examined by the competent authority in terms of the aforesaid provisions referred hereinabove regarding pupil teacher ratio prescribed under the law and decision should be taken within a period of six weeks. For a period of six weeks, the petitioner shall be allowed to continue in the present school.

5. With the aforesaid direction, this petition is finally disposed off. In case, the authority does not cancel the transfer order of the petitioner, then a speaking order should be passed. If the petitioner is still aggrieved by that order, he would be at liberty to challenge the said decision.

SD/-
(Manindra Mohan Shrivastava)
Judge