

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 4845 of 2017

Smt. Shail Chouhan W/o Gokaran Singh, Aged About 54 Years Head Master,
Govt. Primary School Jarondha, Block Takhatpur, District Bilaspur,
Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, School Education Department,
Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur, Chhattisgarh.
2. District Education Officer, Bilaspur, District Bilaspur, Chhattisgarh.
3. Block Education Officer, Takhatpur, District Bilaspur, Chhattisgarh.
4. Block Education Officer, Masturi District Bilaspur, Chhattisgarh.

---- Respondents

For Petitioner	:	Shri K.S. Pawar and Shri S.K. Kushwaha, Advocates
For State	:	Shri Avinash Singh, Panel Lawyer

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

Order On Board

15/09/2017

Heard.

1. The transfer order is under challenge on the ground that the petitioner is a physically challenged person suffering for 65% disability and if she is transferred to Primary School, Dhania, Block-Masturi, she will suffer hardship.
2. It is found that the present transfer policy dated 11.07.2017 does not make any provision with regard to consideration of cases of those employees, who suffer from disability.
3. In case of physically challenged employees, the respondents are under an obligation to consider their cases as special case in the matter of transfer and posting. Where they should be posted, would essentially depend upon the examination of individual cases depending upon the nature and extent of disability and station where they ought to be posted. The petitioner is a lady

employee, who is suffering from 65% disability. Therefore, in these circumstances, the case of the petitioner must receive proper consideration.

4. Learned State counsel submits that under the transfer policy, Committee has been constituted and the matter may be referred to the Committee, which shall duly examine the petitioner's case taking into consideration the special needs arising on account of disability of the petitioner, after taking into consideration the nature and extent of disability. The petition is accordingly disposed off at this stage with the direction to the respondents to examine the petitioner's case and post the petitioner at a suitable place taking into consideration the nature and extent of disability of the petitioner. This order should not be treated as direction to continue the petitioner at the same station but to consider her to post to a suitable station.
5. Till the appropriate decision is taken in the matter and suitable modified order is issued, the petitioner shall not be compelled to proceed on transfer nor any coercive steps shall be taken against the petitioner.

Sd/-
(Manindra Mohan Shrivastava)
Judge