

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 59 of 2018

Neelu Singh Chandel W/o Shri K S Chandel Aged About 42 Years
Presently Working At Assistant Teacher (Panchayat) Government Primary
School , Charpara (Pandhi) 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 Throgh Its Chief Executive Officer District Bilaspur Chhattisgarh.
3. Block Education Officer, Block Masturi , District Bilaspur Chhattisgarh.

---- Respondents

Shri Manoj Kumar Jaiswal, counsel for the petitioner/s.
Shri Majid Ali, Panel Lawyer for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

05/01/2018

1. Challenge in this petition is to the order Annexure P-1 by which the petitioner has been transferred from Govt. Primary School Charpara (Pandhi), block Masturi, District Bilaspur (C.G.) to Govt. Primary School, Supela 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, she 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 her grievance against the impugned transfer order.

4. Let the petitioner prefer representation within a period of 10 days from today and thereafter, the concerned competent authority shall consider and decide the same within 20 days, in accordance with law and on its own merits.

5. For a period of 30 days 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 off.

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/-
(Manindra Mohan Shrivastava)
Judge