

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 5581 of 2019

Yogendra Kumar Singh S/o Prithvinath Singh Aged About 40 Years
Occupation Assistant Teacher (L.B.) Primary School Kewali Block
Ramchandrapur District Balrampur Ramanujganj Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, School Education Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, New Raipur District Raipur Chhattisgarh.
2. Collector Balrampur Ramanujganj District Balrampur Ramanujganj Chhattisgarh.
3. Head Master Primary School, Kewali Block Ramchandrapur, District Balrampur Ramanujganj Chhattisgarh.

---Respondents

For Petitioner	:	Mr. Shakti Raj Sinha, Advocate
For State	:	Ms. Sunita Jain, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

31/07/2019

1. Learned counsel for the petitioner submits that the petitioner has been transferred from Primary School Kewali, Block Ramchandrapur, District Balrampur Ramanujganj to Primary School, Kotarki, Block Balrampur, District Balrampur Ramanujganj.
2. It is contended that the Annexure P/4 shows that the petitioner is a physically disabled and in order to reach the transferred place even after alighting from the vehicle, he has to walked down to 5 KMs inside, therefore the transfer may be cancelled for the physically handicapped person considering the unavailability of transport arrangement for petitioner.
3. Learned counsel for the petitioner submits that the petitioner may be given liberty to make a representation to the Committee which has been

constituted by the State wherein the grievance of the transfer is being heard and till the representation of the petitioner is decided, the transfer order may not be made effective. Learned counsel for the petitioner, during the course of argument, placed the order dated 11th July, 2019 issued by the State.

4. Heard learned counsel for the parties and perused the documents filed along with the petition where the document in respect of physical disability of the petitioner has also been placed on record. Considering the disability of the petitioner and further taking into consideration the fact that one Committee has already been constituted by the State, it is directed that the petitioner may make a representation before the Committee within 15 days from today and the Committee may decide the case of the petitioner within a further period of 45 days from the date of representation of the petitioner. Till the representation of the petitioner is decided, the transfer order of the petitioner would not be given effect to.
5. It is further made clear that this Court has not made any observation on the merits of the transfer order. The Committee as has been constituted vide order dated 11th July, 2019 shall be free to take a decision with respect to the representation of the petitioner.
6. With the aforesaid observation, the writ petition stands disposed of.

Sd/-
(Goutam Bhaduri)
Judge

Ved