

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 5821 of 2019

Gajanand Tiwari S/o Shri Ramjee Tiwari Aged About 55 Years Working As Upper Division Teacher At Government Middle School, Mansukh, Block Baikunthpur, District Koria Chhattisgarh.

---- Petitioner(s)

Versus

1. State of Chhattisgarh Through Secretary, Department Of Education Mantralaya, Mahanadi Bhawan, Nava Raipur, Atal Nagar, District Raipur Chhattisgarh.
2. Collector, Office of Collector and District Magistrate Baikunthpur, District Koriya Chhattisgarh.

---Respondents

For Petitioner	:	Shri Vinod Deshmukh, Advocate.
For State	:	Shri Anshuman Shrivastava, PL.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

06.08.2019

1. The challenge in the present writ petition is to the order dated 12.07.2019 whereby the petitioner has been transferred from Govt. Middle School, Mansukh, Baikunthpur to Govt. Middle School, Bela, Bharatpur.
2. The challenge is on the two grounds. Firstly; the petitioner is a District President of Chhattisgarh Shikshak Congress, District Korea and thus falls within the protected category so far as transfer is concerned. Secondly, there are five sanctioned post at the present place of posting of which the available strength is only three Teachers and of which the petitioner also now is being transferred, and as such, the student Teacher ratio in the said School would get adversely affected which would also have an adverse bearing on the career of the students and also becomes violative of the Right to Education Act, 2009.
3. Given the said facts and circumstances of the case, let the petitioner make a detailed representation in regard to the respondent No.2 within a period

of 10 days from today and the respondent No.2, in turn, shall consider the contents of the representation and decide the same within a further period of 45 days. Till the representation of the petitioner is decided by the respondent No.2, there shall be stay of the effect and operation of the impugned order dated 12.07.2019 so far as petitioner is concerned.

4. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

inder