

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 5722 of 2019**

Anil Tiwari S/o Ramyash Tiwari, Aged About 51 Years, Presently Posted And Working As Teacher (LB), Government Middle School Kalikapur, Block Ramchandrapur, District Balrampur - Ramanujganj Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of School Education, Mahanadi Mantralaya, Naya Raipur, Atal Nagar, Post Office And Police Station Naya Raipur, Atal Nagar, District Raipur Chhattisgarh
2. Collector, Balrampur- Ramanujganj, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. B. D. Guru, Advocate
For State	:	Mr. Anshuman Shrivastava, P.L.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****05.08.2019**

1. The challenge in the present writ petition is to the order Annexure P-1 dated 12.07.2019 whereby the petitioner has been transferred from Govt. Middle School, Kalikapur, Block Ramchandrapur to Govt. Middle School, Podikala, Block Shankargarh.
2. Counsel for the petitioner submits that the challenge is firstly on the ground that the wife of the petitioner is presently posted at Kalikapur,

Block Ramchandrapur where the petitioner was working. He further submits that the petitioner was the sole Hindi teacher at the place he was teaching and he is not being replaced by other teacher of Hindi. As such there would be a clear violation of the provisions of the Right to Education Act, 2009 as there would be a clear dis-balance so far as the student - teacher ratio in a school is concerned. He further submits that the distance between the two places is more than 100 kilometers which may cause inconvenience in the family life of the petitioner.

3. Given the aforesaid facts and circumstances of the case, let the petitioner make a suitable representation to the respondent no.2 within a period of 15 days from today and the respondent no.2 in turn shall consider the same in accordance with the rules and the transfer policy of the State Govt. at the earliest preferably within a period of 30 days from the date of receipt of representation of the petitioner. 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 so far as the petitioner is concerned.
4. The writ petition accordingly stands disposed of.

Sd/-
P. Sam Koshy
Judge