

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (S) NO. 5778 OF 2019**

Sushant Vishwakarma, S/o Late Shri Gaya Prasad Vishwakarma, aged about 31 years, working as Assistant Teacher (L.B.), Govt. Primary School, Kathrimal, Block Kartala, District Korba (CG)

... Petitioner

versus

1. State of Chhattisgarh, through the Secretary, School Education Department, Mahanadi Bhawan, Mantralaya, Atal Nagar, New Raipur, District Raipur (CG)
2. Director, Education Department, Korba, District Korba (CG)
3. Collector, Korba, District Korba (CG)
4. District Education Officer, Korba, District Korba (CG)
5. Block Education Officer, Kartala, District Korba (CG)

... Respondents

For Petitioner	:	Mr. H.B. Agrawal, Senior Advocate, assisted by Mrs. Preeti Yadav, Advocate.
For Respondents	:	Mr. Chandresh Shrivastava, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

13/08/2019

1. Challenge in the present writ petition is to the order dated 12.7.2019 (Annexure P-3) whereby the petitioner has been transferred from Primary School, Bhadrapara Bhainsamuda, Block Kartala to Primary School, Charkhadad Beharchua, Block Kartala.

2. Contention of the petitioner is that he is not substantially an employee of Bhadrapara Bhainsamuda as is evident from the relieving order dated 26.7.2019 whereby the petitioner has been shown to be an Assistant Teacher (L.B.) at the Primary School, Khatrimal, Block Kartala.

3. From perusal of record it appears that the transfer of the petitioner as such has been made within the same Block and even if the petitioner is not accepting him to be posted at Bhadrapara Bhainsamuda, Block Kartala and is accepting him to be posted at Khatrimal the same also is within the same Block i.e. Block Kartala and as such the distance between the two places of posting is too small for this Court to interfere.

4. The other ground which the petitioner has raised is that, if the petitioner is released from the present place of posting the student-teacher ratio gets disturbed at the present place of posting. This would not be a ground available to the petitioner to challenge the order of transfer as it is the responsibility of the State Government to take necessary steps to ensure that appropriate teachers being posted at a particular school taking into consideration the Right to Education Act, 2009.

5. For both the aforesaid reasons, this Court is of the opinion that no strong case is made out for interfering with the order of transfer.

6. However, the petitioner would be at liberty to approach the respondent authorities by making a suitable representation in case of any change of posting that he intends to seek for.

7. With the aforesaid observation, the writ petition stands dismissed.

Sd/-
(P. Sam Koshy)
Judge

/sharad/