

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 5793 of 2019

Smt. Jamni Toppo Aged About 60 Years (Wrongly Mentioned In The Transfer Order As Jagmani Toppo) W/o Shri Sandhyas Toppo, Working As Headmistress, Government Primary School, Kharwatoli, Block Kunkuri, District Jashpur, Chhattisgarh, District : Jashpur, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, School Education Department Mahanadi Bhawan, Mantralaya, New Raipur, Chhattisgarh, District : Raipur, Chhattisgarh
2. The Director, Directorate Of Public Instructions, Raipur, Chhattisgarh, District : Raipur, Chhattisgarh
3. The Collector, District Jashpur, Chhattisgarh, District : Jashpur, Chhattisgarh
4. The Block Education Officer, Block Kunkuri, District Jashpur, Chhattisgarh, District : Jashpur, Chhattisgarh

---Respondents

For Petitioner	:	Mr. Harish Khuntiya, Advocate
For State	:	Mr. Anshuman Shrivastava, P.L.

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 (Annexure P/1) whereby the petitioner has been transferred from Govt. Primary School Kharwatoli, Block Kunkuri to Primary School, Jhapra, Block Bagicha, District Jashpur.
2. The contention of the petitioner is that the distance between the two schools is 140 kms. According to the petitioner by way of the impugned order of transfer the place where the petitioner is posted is getting deprived of sufficient number of teachers and that is going to be in contravention to the provisions of the Right to Education Act, 2009. It is further the contention of the petitioner that there is no replacement being made of the petitioner from the place, where she is being sent, which again is going to adversely affect

the interest of the institution, where the petitioner was working as a Headmaster.

3. Given the aforesaid facts, let the petitioner make an appropriate representation before the respondent No.3 within a period of 7 days from the date of receipt of the copy of this order and the respondent No.3 in turn shall consider and decide the representation within a further period of 30 days from the date of receipt of the representation taking into consideration the entire factual matrix of the case, particularly the number of teachers and students available at the present place of the petitioner and also considering the fact that no reliever or replacement is being provided at the place where the petitioner is working.
4. Till the representation is decided, there shall be stay on the effect and operation of the impugned order, so far as the petitioner is concerned.
5. With the aforesaid observations, the present writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge

Ved