

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 5828 of 2019

Birendra Kumar Singh S/o Shri Rampla Singh Aged About 40 Years
Presently Posted As Teacher (L B) At Government Middle School Bahrasi,
R/o Village Charkhar, Tahsil Bharatpur District Koriya Chhattisgarh., District :
Koriya (Baikunthpur), Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Its Secretary Department Of School Education, Mantralaya, Mahanadi, Bhawan, Naya Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. Collector Koriya District Koriya Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh
3. District Education Officer Koriya District Koriya Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh
4. Block Education Officer Bharatpur District Koriya Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---Respondents

For Petitioner	:	Mr. Ishan Verma, Advocate
For State	:	Ms. Abhyunnati Singh, 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 impugned order Annexure P/1 dated 12.07.2019, whereby the services of the petitioner has been transferred from Middle School, Bahrasi Bharatpur to Middle School, Baselpur, Khadgawan.
2. The contention of the petitioner is that the petitioner is a Block Treasurer of the Shaley Shikshakarmi Sangh, Block Bharatpur, District Korea and thereby he falls in the protected category for being transferred. He further submits that by the said transfer if the petitioner is relieved, the same may amounts to breach of the Right to Education Act as the students-teacher

ratio would get disturbed as there is no replacement being made in place of the petitioner, at the petitioner's present place of posting.

3. Given the aforesaid facts, let the petitioner make an appropriate representation before the respondent No.2 within a period of 10 days from the date of receipt of the copy of this order and the respondent No.2 in turn shall consider and decide the said representation within a further period of 30 days from the date of receipt of the representation.
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 writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge

Ved