

NAFR

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**WPS No. 6041 of 2019**

Sajid Khan Kuraishi S/o Late Anwar Kuraishi Aged About 33 Years R/o Ward No.11 Dabripara, Bagbahara, District - Mahasamund, Chhattisgarh, District : Mahasamund, Chhattisgarh

**---- Petitioner**

**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of School Education New Mantralaya, Mahanadi Bhawan Atal Nagar, Raipur, Chhattisgarh, District : Raipur, Chhattisgarh
2. Collector District - Mahasamund, Chhattisgarh, District : Mahasamund, Chhattisgarh
3. District Education Officer District- Mahasamund, Chhattisgarh, District : Mahasamund, Chhattisgarh

**---- Respondents**

|                |   |                              |
|----------------|---|------------------------------|
| For Petitioner | : | Mr. Kshitij Sharma, Advocate |
| For State      | : | Mr. Anshuman Shrivastava, PL |

**Hon'ble Shri Justice P. Sam Koshy**

**Order on Board**

**14/08/2019**

1. The challenge in the present writ petition is to the order of transfer dated 12.07.2019. Vide the impugned order the petitioner has been transferred from Government Primary School, Gadaghat, Block, Bagbahra, District Mahasamund to Government Primary School, Karidongar, Block Pithora, District Mahasamund.
2. Contention of the petitioner assailing the impugned order is in violation of the transfer policy of the State government wherein it has been specifically envisaged by the State Government that the transfer should not be made in such situations where there would be a disbalance on the student-teacher ratio in a particular school. According to the petitioner at the present place of where the petitioner is working i.e. the Government Primary School, Gadaghat, Block Bagbahra sanctioned strength of teachers are 3 and there are

only two teachers available including the petitioner and if the petitioner is sent, there will only be one teacher left and there is no replacement being made to substitute the petitioner. At the same time, it is also contention of the petitioner that the place where petitioner has been transferred i.e. the Government Primary School, Karidongar, Block Pithora the sanctioned strength of teacher is two and there are already two teachers available and if petitioner is also sent there, he becomes surplus teacher there as is evident from the report Annexure P-6 and P-7 given by the respective Block Education Officer.

3. Further contention of the petitioner is that apart from the order of transfer being violative of the transfer policy, it is also in contravention to the provisions of the Right to Education Act, 2009.
4. Given the aforesaid facts and circumstances of the case, let petitioner make a fresh representation in addition to what if he has already made to the respondent No. 2 within a period of 10 days from today and respondent No. 2 in turn taking into consideration the submissions and contentions that petitioner would raise in his representation pass an appropriate order within a period of 30 days thereafter. Till the decision is taken by the respondent No. 2, the effect and operation of the impugned order of transfer shall remain stayed so far as the petitioner is concerned.
5. With the aforesaid direction, the writ petition stands disposed of.

Sd/-  
**(P. Sam Koshy)**  
Judge

Rohit