

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 5939 of 2019

Shobhachand Malakar S/o Baikunth Malakar Aged About 36 Years Presently Posted And Working As Teacher, Government Middle School, Tilaidadar, Block Baramkela, District Raigarh, Chhattisgarh., District : Raigarh, 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., District : Raipur, Chhattisgarh
2. Chairman Transfer Cases, Coordination Committee, General Administration Department Mahanadi Mantralaya, Naya Raipur, Atal Nagar, Post Office And Police Station Raipur, Atal Nagar, District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
3. Collector Raigarh, District - Raigarh, Chhattisgarh, District : Raigarh, Chhattisgarh
4. District Education Officer Raigarh, District - Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh
5. Block Education Officer Baramkela, District - Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Dhani Ram Patel, Advocate
For State	:	Mr. Somkant Verma, PL

Hon'ble Shri Justice P. Sam Koshy

Order on Board

07/08/2019

1. The grievance of the petitioner is that he has been transferred from Govt. Middle School, Tilaidadar, Baramkela, District Raigarh to Govt. Middle School, Sodekela, Pussore, District Raigarh.
2. Learned counsel for the petitioner submits that the petitioner is now posted at Govt. Middle School, Tilaidadar, Baramkela, where out of 4 sanctioned teachers only 3 teachers are working. The petitioner is a teacher of Science and the two other teachers who are left are of other

subjects. He submits that as per the Right of Children to Free and Compulsory Education Act, 2009, one teacher in each subject should be in the school. He submits that if the petitioner is transferred, the post of Science teacher would be vacant.

3. Perused the documents as also the certificate issued by the School Management which shows that the petitioner is a teacher of Science and if he is transferred, no teacher will be left for Science.
4. Considering the facts of the case and the documents filed along with the petition, it is directed that the petitioner may make a representation to the Grievance Redressal Committee constituted by the State against the transfer within a period of 15 days from today and the Grievance Redressal Committee may decide the same within a further period of 30 days from the date of receipt of the representation. Till then the transfer in respect of the petitioner shall not be given effect to. Meanwhile, the relieving order, if any, shall also not be given effect to.
5. With the aforesaid observation, the writ petition stands disposed of.

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

Rohit