

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO.6076 OF 2019**

Smt. Bindu Nagvanshi W/o Ganeshram Nagvanshi Aged About 35 Years
Posted As Teacher At Government Middle School, Science, Limtara,
District Durg, Chhattisgarh.

...Petitioner(s)**Versus**

1. State of Chhattisgarh Through Secretary, School Education Department Ministry, Mahanadi Bhawan, Naya Mantralaya, Naya Raipur, District Raipur, Chhattisgarh.
2. District Education Officer Dhamdha, District Durg, Chhattisgarh.
3. Block Education Officer, Block Dhamdha, District Durg, Chhattisgarh.
4. Collector District Durg Chhattisgarh.
5. Smt. Anita Patil Aged About 35 Years, Posted As Teacher At Government Middle School, Kanharpuri, Block Dhamdha, District Durg, Chhattisgarh.

... Respondent(s)

For Petitioner	:	Shri BP Singh, Advocate.
For Respondent-State	:	Shri P. Acharya, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****14.08.2019**

1. Challenge in the present Writ Petition is to the order dated 12.07.2019 whereby the petitioner has been transferred from Govt. Middle School, Limtara to Govt. Middle School, Kanharpuri.
2. The sole contention of the petitioner is that, the petitioner is a physically challenged person and suffers from disability of more than 40 percent and that she cannot move around without assistance of others and therefore she could not have been transferred at this juncture. Further contention of the petitioner is that, the said order has been issued in violation of the transfer policy and the conditions attached to the transfer policy itself whereby clause 1.7 provides for certain protection to a disabled person. The petitioner further submits that the respondents should also consider the case of the petitioner keeping in view the provisions of the Persons with Disability Act, 2016.

3. Given the aforesaid facts, let the petitioner make a representation in this regard to the respondent No.4 within a period of 10 day from today and the respondent No.4, in turn, shall consider and decide the same in accordance with transfer policy at the earliest preferably within a further period of 30 days. Till the representation of the petitioner is decided, the effect and operation of the order dated 12.07.2019 shall remain stayed so far as petitioner is concerned.
4. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge