

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO.6257 OF 2019**

Kushal Kumar Gajendra S/o Shri Dinesh Chandra Gajendra Aged About 35 Years Working As Head Master And Posted At Government Primary School Hadapathra, Block Basna, District Mahasamund Chhattisgarh.

...Petitioner(s)

Versus

1. State of Chhattisgarh Through Secretary, Department Of School Education, Mahanadi Bhawan, Mantralaya New Raipur District Raipur Chhattisgarh.
2. Collector, Mahasamund, District Mahasamund Chhattisgarh.
3. District Education Officer, Mahasamund, District Mahasamund Chhattisgarh.

... Respondent(s)

For Petitioner	:	Shri Ajay Shrivastava, Advocate.
For Respondent-State	:	Ms. Abhyunnati Singh, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy

Order on Board

19.08.2019

1. Challenge in the present Writ Petition is to the order of transfer dated 12.07.2019 whereby the petitioner has been transferred from Govt. Primary School, Hadapathra to Govt. Primary School, Khirsali.
2. The challenge is on the ground that the petitioner is a disabled person suffering from more than 45 percent disability as is evident from the disability certificate issued by the District Medical Board, Mahasamund. The contention of the petitioner is that, by way of impugned order the petitioner is being transferred to a place more than 100 KM and being a handicapped person the petitioner would find it difficult to reach the transferred place and attend duties.
3. Given the aforesaid facts, let the petitioner make a detailed representation in this regard to the respondent No.2 within a period of 10 day from today, and the respondent No.2, in turn, shall consider and decide the same at the earliest preferably within a further period of 45 days. Till the representation of the petitioner is decided, the effect and operation of the

impugned order dated 12.07.2019 so far as petitioner is concerned, shall remain stayed.

4. It is made clear that while deciding the representation of the petitioner, the concerned respondent would also keep in mind the transfer policy of the State Govt. so far as dealing with the disabled persons are concerned and shall also keep in mind the provisions of the Persons with Disability Act, 2016.
5. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge