

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO.6263 OF 2019**

Ajay Shrivastava S/o Shri Kunj Bihari Shrivastava Aged About 44 Years
Working As Teacher (L.B.) and Posted At Govt. Primary School Jenjra,
Block Katghora, District- Korba, Chhattisgarh.

...Petitioner(s)

Versus

1. State of Chhattisgarh Through Secretary, Department of School Education, Mahanadi Bhawan, Mantralaya New Raipur, District- Raipur, Chhattisgarh.
2. Collector Korba, District- Korba, Chhattisgarh.
3. District Education Officer Korba, District- Korba, Chhattisgarh.
4. Block Education Officer Block Katghora, District- Korba, Chhattisgarh.
5. Gorelal Kanwar Working As Teacher (L.B.) At Govt. Middle School Banki Basti, Block Katghora, District- Korba, 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, Jenjra to Govt. Primary School, Katorinagoi.
2. The challenge is on the ground that the petitioner is a disabled person suffering from more than 50 percent disability as is evident from the disability certificate issued by the District Medical Board, Korba. The contention of the petitioner is that, by way of the impugned order the petitioner is being transferred to a place more than 65 KM and being a handicapped person the petitioner would find it difficult to reach the transferred place and attend the 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