

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 6608 of 2019

Smt. Poornima Upadhyay W/o Shri Shashank Upadhyay Aged About 37 Years Occupation- Supervisor At District Program Office, Women And Child Development Bilaspur, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through - The Secretary Department Of Women And Child Development, Mantralaya Mahanadi Bhawan, New Raipur, Atal Nagar, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh
2. Commissioner Women And Child Development, Directorate, Indravati Bhawan, New Raipur, Atal Nagar, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh
3. Collector Bilaspur District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh
4. District Program Officer Women And Child Development Department, District Bilaspur, District : Bilaspur, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Shashank Upadhyay, Advocate.
For State	:	Mr. Chandresh Shrivastava, Dy. AG

Hon'ble Shri Justice P. Sam Koshy

Order on Board

28/08/2019

1. The challenge in the present writ petition is to the order of transfer Annexure P-1 dated 21.08.2019. Vide the said impugned order the petitioner has been transferred from the Bilaspur to the Dantewada.
2. The contention of the petitioner is that the petitioner is a physically handicapped person and her appointment itself was made under the Physically handicapped quota and Annexure P-3 is the medical

disability certificate issued by the District Hospital Board, Bilaspur showing that petitioner suffers from more than 42% of the permanent disability.

3. Given the fact that petitioner is a physically handicapped person appointed under physically handicapped quota, let petitioner make a detailed representation within a period of 15 days from today and on receipt of the representation, the respondents shall take a decision within a period of 45 days. While deciding the representation of the petitioner respondent authorities shall consider the transfer policy referring to the Provisions of the Persons with Disability Act, 2016 so far as physically handicapped persons are concerned.
4. Till the representation of the petitioner is decided, the effect and operation of the impugned order Annexure P-1 shall remain stayed so far as the petitioner is concerned.
5. With the aforesaid observations, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Rohit