

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 6816 of 2019

Banwari Lal Prajapti S/o Shri Narayan Lal Aged About 37 Years Working As Assistant Teacher (L. B.), And Posted At Govt. Girls Primary School Chhurikala, Block Katghora, District Korba Chhattisgarh, District : Korba, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of School Education, Mantralaya, Mahanandi Bhawan, New Raipur District Raipur Chhattisgarh, District : Raipur, Chhattisgarh
2. Collector Korba District Korba Chhattisgarh, District : Korba, Chhattisgarh
3. District Education Officer Korba District Korba Chhattisgarh, District : Korba, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Ajay Shrivastava, Advocate
For State	:	Mr. P. Acharya, PL

Hon'ble Shri Justice P. Sam Koshy

Order on Board

30.08.2019

1. The challenge in the present Writ Petition is to the order Annexure P-1 dated 12.07.2019, whereby the petitioner has been transferred from Girls Primary School, Chhuri, Block, Katghora to Primary School, Hathmarnala, Block Podiuproda.
2. The challenge of the present petitioner is that the petitioner is a handicapped person and is suffering from more than 50 percent disability as it evident from the Disability Certificate issued by the District Medical Board at Korba.

3. The contention of the petitioner is that the petitioner is a physically handicapped person and his appointment itself was made under the Physically handicapped quota and Annexure P-2 is the medical disability certificate issued by the District Medical Board, Korba showing that petitioner suffers from more than 50% of the permanent disability.
4. 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 10 days from today and on receipt of the representation, the respondents shall take a decision within a period of 30 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 and shall also consider the circulars of the State Government in respect of Physically Handicapped employees.
5. 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.
6. With the aforesaid observations, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge