

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 6865 of 2019

Abdul Jahid Khan S/o Late Shekh Narazuddin Khan, Aged About 56 Years, Posted At Upper Division Teacher, Middle School, Urdu, Rajnandgaon R/o Main Road, Mamta Nagar, Rajnandgaon, District - Rajnandgaon, Chhattisgarh

---- Petitioner

Versus

1. The State Of Chhattisgarh Through - The Secretary, School Education Department, Mahanadi Bhawan, Atal Nagar, Naya Raipur, District - Raipur, Chhattisgarh
2. Joint Director, Durg Division, School Education Department, Mahanadi Bhawan, Atal Nagar, Naya Raipur, District - Raipur, Chhattisgarh
3. The Collector Rajnandgaon, District - Rajnandgaon, Chhattisgarh
4. District Education Officer, Rajnandgaon, District - Rajnandgaon, Chhattisgarh
5. Block Education Officer, Rajnandgaon, District - Rajnandgaon, Chhattisgarh

---Respondents

For Petitioner	:	Shri Rishi Kant Mahobia, Advocate
For State	:	Shri Chandresh Shrivastava, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

05.09.2019

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 Govt. Middle School (Urdu), Rajnandgaon to Govt. Middle School, Harduwa, Rajnandgaon.

2. The contention of the petitioner is that he is a handicapped person and has more than 45% permanent disability and his appointment is under the persons with disability quota. The other ground of the petitioner is that the wife of the petitioner is also working in the same school where the petitioner is presently working.
3. Given the fact that the petitioner is a disabled (Divyang) person having more than 45 percent permanent disability, let the petitioner make a detailed representation to the Respondent No. 1 and the Respondent No. 1 while deciding the representation should consider the aspect of protection granted to the physically handicapped persons in the transfer policy and shall also keep in mind the provisions of the Persons with Disability Act, 2016. In addition, the State Government would also consider the circular dated 30.08.2010 so far as the persons with disability are concerned.
4. Till the respondent no.1 takes a decision, the effect and operation of the impugned order so far as the petitioner is concerned shall remain stayed.
5. With the aforesaid observations, the present Writ Petition stands disposed off.

**Sd/-
(P. Sam Koshy)
Judge**