

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 7172 of 2019

1. Umesh Kumar Jaishwal, S/o Late Bhagwat Prasad Jaishwal, Aged About 37 Years, Working As Assistant Teacher (LB) At Govt. Primary School Pashchimpara, Pandari, Janpad Panchayat: Wadrafnagar, District : Balrampur-Ramanujanj, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, School, Education Department, Mantralaya Capital Complex, Mahanadi Bhawan, Atal Nagar, Raipur, District : Raipur, Chhattisgarh
2. District Education Officer, Balrampur, Ramanujanj, District : Balrampur, Chhattisgarh
3. The Collector, Balrampur, District : Balrampur, Chhattisgarh
4. Block Education Officer, Wadrafnagar, Janpad Panchayat: Wadrafnagar, District : Balrampur, Chhattisgarh

---Respondents

For Petitioner	:	Mr. Vikash Pandey, Advocate
For State	:	Mr. Ashutosh Mishra, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy

Order on Board

12.09.2019

1. The challenge in the present Writ Petition is to the impugned order Annexure P-1 dated 12.07.2019, whereby the petitioner has been transferred from Primary School, Pashchimpara, Pandri, Block:Wadrafnagar, (C.G.) to Primary School, Santoshi Nagar, Block:Balrampur, (C.G.)
2. The challenge is on the ground that the petitioner is a disabled person and his disability is more than 75 per cent as is evident from

Annexure P-7. The Disability Certificate issued by the District Medical Board, Surguja dated 05.09.2009 (Annexure P-7).

3. The contention of the petitioner is that, the appointment of the petitioner was also under the disability quota. He further submits that the place is far more interior and far away from the present place of posting and therefore, the impugned order should be set-aside/quashed for the said reason.
4. Given the fact that the petitioner is a disabled (Divyang) person suffering from more than 75 percent disability.
5. 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 the protection granted to the physically handicapped persons in the transfer policy and shall also keep in view the provisions of the Persons with Disability Act, 2016.
6. In addition, the State Government would also consider the circular dated 30.08.2010 issued, so far as the transfer of persons with disability are concerned.
7. Till the representation of the petitioner is decided, there shall be stay of the effect and operation of the impugned order Annexure P-1, so far as the petitioner is concerned.
8. Accordingly, the present Writ Petition stands disposed off.

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