

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 6900 of 2019

Smt. Savita Kurrey W/o Neelamsanjeev Aged About 32 Years R/o Village Kera, Tahsil Navagarh, District Janjgir Champa Chhattisgarh Posted As Women Invigilator, Health Department Sector Kera, Block Navagarh, District Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, General Administration Department, Mantralaya, Mahanandi Bhawan, Atal Nagar, Raipur District Raipur Chhattisgarh, District : Raipur, Chhattisgarh
2. Collector Janjgir Champa, District Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh
3. Chief Medical Officer Janjgir Champa, District Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Lalit Jangde, Advocate
For State	:	Mr. Ayaz Naved, Govt. Advocate

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-2 dated 21.08.2019, whereby the petitioner has been transferred from Sector Kera, Block Navagarh to Community Health Centre, Navagarh.
2. The contention of the petitioner is that the petitioner is a handicapped person and has got more than 45% of permanent disability as is evident from the Medical Disability Certificate issued

by the District Medical Board. Contention of the petitioner is that her appointment itself was made under the Disability quota.

3. Given the fact that the petitioner is a disabled (Divyang) person suffering from more than 45 percent disability. Let the petitioner make a detailed representation to the Respondent No. 1 within a period of 10 days from today and the Respondent No. 1 shall decide the same within a period of 45 days. 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.
4. In addition, the State Government would also consider the circular dated 30.08.2010 issued, so far as the persons with disability are concerned.
5. Till the representation of the petitioner is decided, the effect and operation of the impugned order Annexure P-2 shall remain stayed so far as petitioner is concerned.
6. With the aforesaid observations, the present Writ Petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge