

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 7038 of 2019**

Dr. Smt. Meena Sharma W/o Dr. Rajeev Sharma Aged About 51 Years
Presently Posted As Assistant Professor, At Government College,
Takhatpur, Bilaspur District Bilaspur Chhattisgarh R/o Ward No. 12,
Main Road Takhatpur, District Bilaspur Chhattisgarh, District : Bilaspur,
Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Higher Education, Mantralaya, Mahanandi Bhawan, Atal Nagar Naya Raipur District Raipur Chhattisgarh, District : Raipur, Chhattisgarh
2. Under Secretary Higher Education Department, Mantralaya, Mahanandi Bhawan, Atal Nagar Naya Raipur District Raipur Chhattisgarh, District : Raipur, Chhattisgarh
3. Principal Government College, Takhatpur, Bilaspur District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

----Respondents

For Petitioner	:	Mr. Faisal Akhtar, Advocate
For State	:	Ms. Abhyunnati Singh, P.L.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****04/09/2019**

1. The challenge in the present writ petition is to the order Annexure P/1 dated 21.08.2019, whereby the petitioner has been transferred from Government College, Takhatpur, Bilaspur to Government Girls College, Bemetara.
2. The challenge of the present petitioner is that the petitioner is a handicapped person and is suffering from more than 80 % of disability as it evident from Annexure P/4, which is a medical certificate which shows that the petitioner's right leg above the knee stands amputated.
3. Given the fact that the petitioner is a disabled (Divyang) person suffering from more than 80 % of disability, let the petitioner make a detailed representation to the respondent No. 1 within a period of 10

days from the date of receipt of the copy of this order and the respondent No. 1 in turn shall decide the same within a further period of 45 days from the date of receipt of the representation.

4. 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. 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.
5. Till the representation of the petitioner is decided, the effect and operation of the impugned order so far as the petitioner is concerned shall remain stayed.
6. With the aforesaid observations, the present writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge