

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 7055 of 2019

1. Jitendra Kumar Sahu, S/o Pekhram Sahu, Aged About 29 Years, Working As Rural Agriculture Extension Officer, Office At Senior Agriculture Development Officer, Block: Takhatpur, District : Bilaspur, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Deputy Secretary, Agriculture Development And Farmer Welfare And Biotechnology Department, Mantralaya, Atal Nagar, New Raipur Chhattisgarh, District : Raipur, Chhattisgarh
2. The Senior Agriculture Development Officer, Block: Takhatpur, District: Bilaspur, Chhattisgarh

---Respondents

For Petitioner	:	Mr. Guru Prasad Kurre, Advocate
For State	:	Ms. Sunita Jain, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

09.09.2019

1. The challenge in the present Writ Petition is to the order Annexure P-1 dated 22.08.2019, whereby the petitioner has been transferred from Office of Senior Agriculture Development Officer, Block: Takhatpur, District: Bilaspur to the Office of Deputy Director Agriculture, Mahasamund, (C.G.)
2. The challenge of the present petitioner is that the petitioner is a handicapped person and is suffering from more than 45 % disability as is evident from the Disability Certificate (Annexure P-2).

3. The contention of the petitioner is that he is a disabled person and his appointment has been issued under the disability quota and as per the transfer policy, the petitioner should not have been shifted at this juncture by way of transfer, 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 45 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. With the aforesaid observations, the present Writ Petition stands disposed off.

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