

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 7329 of 2019**

Smt. Rajni Sinha W/o Shri Bhuneshwar Dadsena Aged About 34 Years
Occupation - Assistant Teacher, Govt. Primary School, Sarkanda, Block -
Pithaura, District Mahasamund Chhattisgarh., District : Mahasamund,
Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, School Education Department,
Mantralaya, Mahanadi Bhawan, Atal Nagar, Naya Raipur District Raipur
Chhattisgarh., District : Raipur, Chhattisgarh
2. Collector Mahasamund, District Mahasamund Chhattisgarh., District :
Mahasamund, Chhattisgarh
3. District Education Officer Mahasamund, District Mahasamund
Chhattisgarh., District : Mahasamund, Chhattisgarh
4. Smt. Shailendi Sahu Assistant Teacher, Govt. Primary School, Ghoghra,
Block - Pithaura, District Mahasamund Chhattisgarh., District :
Mahasamund, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Awadh Tripathi, Advocate
For State	:	Ms. Ishwari Ghritlahare, P.L.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****11/09/2019**

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
the Government Primary School Sarkada, Block Pithaura to Primary
School, Jabalpur, Block Saraipali.
2. The ground of the petitioner is that the petitioner is suffering from
disability of more than 50% as is evident from the disability certificate
Annexure P/4. The second ground is that the husband of the
petitioner is also posted at the same place.
3. Given the fact that the petitioner is a disabled (Divyang) person
suffering from more than 50 % 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. 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.

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

Sd/-
(P. Sam Koshy)
Judge

Ved