

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 7673 of 2019**

Naresh Kumar Nishad S/o. Shri Makardhwaj Nishad Aged About 38 Years
Working As Assistant Teacher (L B) Govt. Primary School Kurdeg (Wrongly
Written As Kurro) Block Bagicha District Jashpur Chhattisgarh, District :
Jashpur, Chhattisgarh

---- **Petitioner**

Versus

1. State Of Chhattisgarh Through The Secretary Department Of School Education
Department Mantralaya Mahanadi Bhavan Atal Nagar Raipur District Raipur
Chhattisgarh, District : Raipur, Chhattisgarh
2. The Collector Jashpur District Jashpur Chhattisgarh, District : Jashpur,
Chhattisgarh
3. District Education Officer Jashpur District Jashpur Chhattisgarh, District :
Jashpur, Chhattisgarh
4. Block Education Officer Bagicha District Jashpur Chhattisgarh, District :
Jashpur, Chhattisgarh

---- **Respondents**

For Petitioner	:	Mr. C. Jayant K. Rao, Advocate
For State	:	Ms. Abhyunnati Singh, P.L.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

17/09/2019

1. The challenge in the present Writ Petition is to the order Annexure P/1 dated 12.07.2019 whereby the services of the petitioner has been transferred from Government Primary School Kurro to Government Primary School Gasewan.
2. The challenge of the present petitioner is that the petitioner is a disabled person and is suffering from more than 40 % of disability as it evident from Annexure P/2, which is a medical certificate issued by the District Medical Board, Raigarh. The petitioner further contended that the appointment of the petitioner was against the disability quota.
3. Given the fact that the petitioner is a disabled (Divyang) person suffering from more than 40% 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. Till the representation of the petitioner is decided, the effect and operation of the impugned order shall remain stayed.

4. With the aforesaid observations, the present writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge

Ved