

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 7709 of 2019

Smt. Hemlata Baghel W/o Shri Shailendra Baghel Aged About 33 Years
Female Multipurpose Health Worker (A.N.M. Female) At Sub Health Center
Bodrapuri, Block-Dhamtari, District - Dhamtari Chhattisgarh., District :
Dhamtari, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Upper Secretary Of Public Health And Family Welfare Department, Mantralaya Capital Complex, Mahanadi Bhawan, Atal Nagar, Naya Raipur, District- Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. Chief Medical And Health Officer Dhamtari, District - Dhamtari., District : Dhamtari, Chhattisgarh
3. Collector Dhamtari District- Dhamtari Chhattisgarh., District : Dhamtari, Chhattisgarh
4. Block Medical Officer Dhamtari, District Dhamtari Chhattisgarh.

---Respondents

For Petitioner	:	Mr. A.K. Yadav, Advocate
For State	:	Mr. P. Acharya, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy

Order on Board

18/09/2019

1. The challenge in the present writ petition is to the impugned order Annexure P/1 dated 23.08.2019 whereby the petitioner has been transferred from Sub Health Centre Bodrapuri, District Dhamtari to Sub Health Centre Khainda (Lavan) District Baloda Bazar.
2. The ground of challenge is that the petitioner is a disabled person and her appointment also has been made under the disability quota and that as per the disability certificate the petitioner suffered from disability of more than 60%.
3. Given the fact that the petitioner is a disabled (Divyang) person suffering from more than 60% 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