

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Petition (S) No. 7921 of 2019**

Rajesh Kumar Vishwakarma S/o Chandrika Prasad, Aged About 50 Years, Working As Upper Division Teacher, Government Middle School Bandhwapara Sarkanda, District Bilaspur, Chhattisgarh.

**---- Petitioner****Versus**

1. State Of Chhattisgarh Through The Secretary, School Education Department, Mahanadi Bhawan Mantralaya, New Raipur Chhattisgarh.
2. The Collector Bilaspur, District Bilaspur, Chhattisgarh.
3. The District Education Officer, District Bilaspur, Chhattisgarh.
4. The Block Education Officer, Bilha, District Bilaspur, Chhattisgarh.

**---- Respondents**


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| For Petitioner | : | Mr. D. K. Vishwakarma, Advocate |
| For State      | : | Ms. Ishwari Ghritlahare, P.L.   |

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**Hon'ble Shri Justice P. Sam Koshy****Order On Board****30.09.2019**

1. The challenge in the present writ petition is to the order of transfer dated 12.07.2019 Annexure P-1 whereby the petitioner has been transferred from Govt. Middle School, Bandhwapara, Block Bilha to Middle School, Mopka, Block Bilha.
2. The challenge is on the ground that the petitioner as of now suffers

from more than 40% disability and transferring the petitioner from one place to another may cause great inconvenience for him. The petitioner referred to Annexure P-2 which is a disability certificate issued by the District Medical Board, Bilaspur in this regard.

3. Given the fact that the petitioner is a disabled (Divyang) person having more than 40 percent disability, let the petitioner make a detailed representation to the Respondent No. 1 within a period of 10 days from today and the respondent No.1 in turn shall consider the same within a period of 45 days from the date of receipt of the representation. The Respondent No. 1 while deciding the representation should consider the aspect of protection granted to the physically handicapped persons in the transfer policy and shall also keep in mind the provisions of the Persons with Disability Act, 2016. In addition, the State Government would also consider the circular dated 30.08.2010 so far as the persons with disability are concerned.
4. Till the respondent no.1 takes a decision, the effect and operation of the impugned order so far as the petitioner is concerned shall remain stayed.
5. With the aforesaid observations, the present Writ Petition stands disposed off.

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