

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 8479 of 2019

Khileshwar Kumar Sinha S/o Khedu Ram Sinha Aged About 34 Years Working As Assistant Teacher (L.B.) At Govt. Primary School, Jangleshar, Block Rajnandgaon, District Rajnandgaon Chhattisgarh. R/o Village Telgaon, Police Station Gendatola, District Rajnandgaon Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, School Education Department, Mantralaya, Mahanadi Bhawan , New Raipur, District Raipur Chhattisgarh.
2. Director, Directorate Of Public Instruction Indravati Bhawan, New Raipur, District Raipur Chhattisgarh.
3. Collector, District Rajnandgaon Chhattisgarh.
4. District Education Officer, Rajnandgaon, District Rajnandgaon Chhattisgarh.
5. Block Education Officer, Rajnandgaon, District - Rajnandgaon Chhattisgarh.

---Respondents

For petitioner – Shri Govind Dewangan, Advocate.
For State- Shri Alok Bakshi, Addl. A.G.

Hon'ble Shri Justice Goutam Bhaduri

Order

18/10/2019

1. Challenge in this petition is to the order dated 1/10/2019 on the ground that the petitioner has been transferred from Government Primary School, Jangleshar, Block Rajnandgaon, District Rajnandgaon to Government Primary School Badgaon, Block Manpur, District Rajnandgaon. It is contended that the transfer of the petitioner has been made on the ground that he is surplus in the school. It is stated that the school where the petitioner is imparting education in Jangleshar there are 101 students and as per the Right of Children to Free and Compulsory Education Act, 2009 (hereinafter referred to as 'the Act of 2009') the rational from 90 to 120 students there has to be four teachers and if the petitioner is transferred to another school that rational under the Act of

2009 shall be defeated. It is further stated that the transfer has been made in completely ban period, therefore his transfer order may be cancelled.

2. Learned State counsel opposes the argument.

3. Perusal of the Annexure P-1 under challenge would show that the petitioner has been transferred to different school till regular teacher is appointed. With respect to the surplus of the teacher, the rational behind it is to maintain the ratio in between the student and the teacher. The contention of the petitioner that there are 101 students in the school and by transfer of the petitioner, the petitioner is not a surplus teacher as the rational under the Act of 2009 would be defeated. Such strict norms cannot be applied mathematically as the rational of four teachers in the schedule of the Act of 2009 is from 90 to 120 students four teachers would be normally be placed whereas in the school wherefrom the petitioner has been sent 101 students are studying, therefore according to the argument of the petitioner too it hold the sway against the petitioner, therefore I am not inclined to entertain this petition.

4. Accordingly, the petition is dismissed.

Sd/-

(Goutam Bhaduri)

JUDGE