

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**WPS No. 8484 of 2019**

Neelesh Kumar Ramteke S/o Bharat Ramteke Aged About 34 Years  
Working As Assistant Teacher (L.B.) At Govt. Primary School,  
Tumdilewa, Block Rajnandgaon, District Rajnandgaon,  
Chhattisgarh. R/o Sanjay Nagar Lakhuli, Ward No. 35,  
Rajnandgaon, 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**

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

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**Hon'ble Shri Justice Goutam Bhaduri**

**Order**

**18/10/2019**

1. Challenge in this petition is to the order dated 1/10/2019 whereby the petitioner has been transferred from Government Primary School, Tumdilewa, Block Rajnandgaon, District Rajnandgaon to Government Primary School, Nawagaon (Aundhi), Block Manpur, District Rajnandgaon.
2. It is contended that the petitioner cannot be treated as a surplus teacher as the school wherein the petitioner is imparting education there are 88 students. Consequently, as per the Right of Children to Free and Compulsory Education Act, 2009 when the ratio between the student and teacher are to be maintained, the petitioner would not be treated as a surplus. He further submits that one teacher has joined lastly at the most

he can be treated as surplus not the petitioner. He further submits that the petitioner may be allowed to make a representation on this ground to the Collector, Rajnandgaon.

3. Considering the limited prayer made by the petitioner, the petitioner may file representation before the Collector, Rajnandgaon within a period of 15 days from today. If such representation is filed, same may be decided within a further period of 45 days.

4. With such observation, the petition stands disposed of.

Sd/-

(Goutam Bhaduri)

JUDGE