

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 8598 of 2019**

- Shri Rafi Mohd. Qurashi S/o Late Nabi Mohd Qurashi Aged About 62 Years (Date Of Birth 01.07.1958) Occupation- Head Master, Government Middle School Rano, Saja District Bemetara C.G. R/o Nagar Panchayat Parpodi, P.S. Parpodi, Tahsil Saja, District Bemetara C.G.

---- Petitioner**Versus**

1. State Of Chhattisgarh, Through The Secretary, Department Of School Education, New Mantralaya, Mahanadi Bhawan, Atal Nagar Raipur, District Raipur Chhattisgarh
2. State Of Chhattisgarh, Through The Under Secretary, Department Of School Education, New Mantralaya, Mahanadi Bhawan, Atal Nagar Raipur, District Raipur Chhattisgarh
3. District Education Officer, Bemetara, District Bemetara Chhattisgarh
4. Block Education Officer, Saja District Bemetara Chhattisgarh

---- Respondents

For Petitioner	:	Shri Suresh Kumar Verma, Advocate
For Respondents/ State	:	Shri Alok Bakshi, Additional Advocate General

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****18/10/2019**

1. The grievance of the petitioner is that the petitioner has been transferred from Government Middle School Rano Saja, District Bemetara to Government Middle School Taktoiya, Block Pandariya, District Kabirdham, C.G.
2. It is contended that the petitioner is going to be retired on 30.07.2020 and the petitioner is handicapped person and is suffering from 40 percent disability as it is evident from the Disability Certificate

(Annexure P-3).

3. Learned State counsel opposes the same.
4. Considering the fact that there is no dispute to the fact that the petitioner is going to retire on 30.07.2020, thereby the petition is only left with only 10 months to be superannuated. The policy which is filed as Annexure P-4, clause 1.7 and 1.8 would reveal that the petitioner is left with less than 1 year of service then normally the employee is to be posted in his home district or district of his choice and with respect to disability the person who is suffering from disability should be posted to a place where commuting is easy.
5. Perused the document Annexure P-3 which would show that the petitioner is disabled to the extent of 40 % and as per the medical certificate and since the petitioner is going to be retired within 10 months only transfer to the different place will also create difficulty in counting of retiral dues, therefore, taking into the fact that only 10 months are left for superannuation and further considering the fact the petitioner is disabled to the extent of 40 %. The same could not be considered.
6. In the circumstances the transfer order in respect of petitioner from Government Middle School Rano Saja, District Bemetara to Government Middle School Taktoiya, Block Pandariya, District Kabirdham, C.G is quashed.
7. It is also made clear that if any administrative exigency impede, concern respondent may pass necessary order.
8. Accordingly, the petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge