

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 8987 of 2019**

- Gajendra Kumar Sahu, S/o Bhushan Lal Sahu, Aged About 32 Years, Working As Assistant Teacher (L.B.), E. And Posted At Govt. Primary School Khaira, Block Rajnandgaon District Rajnandgaon Chhattisgarh

---- Petitioner**Versus**

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

---- Respondents

For Petitioner : Shri Ajay Shrivastava, Advocate

For Respondents/ State : Ms. Richa Shukla, Deputy Government Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****05/11/2019**

1. The grievance of the petitioner is that the services of the petitioner has been transferred from Government Primary School Khaira, Block Rajnandgaon District Rajnandgaon to Government Primary School Dongargaon, District Rajnandgaon which is 120 kms away.
2. It is contended that as per Annexure P- 8, the petitioner was placed at Khaira, as the wife of the petitioner was also working at Khaira and she is 40 percent disabled. Considering the same, the husband was posted at the same place. It is further contended referring to the disability certificate that wife is to be carried to the school by the husband, therefore, the husband

and wife was to be kept at the same place. It is further contended that the petitioner is an employee of E. Cadre and he has been transferred in the school of Tribal Department and according to the policy of the State the employee of E. Cadre can only be transferred in the school of education department and employee of T. Cadre can only be transferred in the School of tribal department.

3. Perused the documents. Perusal of Annexure P-8 dated 20.05.2016 shows that earlier transfer of the petitioner was to accommodate the husband and wife at same place. The disability certificate is also enclosed with the petition, which shows that the wife of the petitioner is disabled to the extent of 40 percent.
4. Taking into such document and the argument advanced, considering the fact that the petitioner belongs to E. Cadre and he has been transferred in the school of Tribal Department i.e. T. Cadre, the petitioner shall be at liberty to make a representation to Respondent No. 2 with all the relevant documents within 15 days from the date of receipt of a copy of this order and the representation so made shall be decided within a further period of 45 days. Till then, the transfer in respect of the petitioner shall not be given effect to, if it has not been carried out till date.
5. Accordingly, the petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge