

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 9605 of 2019**

- Ishwar Soni S/o Shri Padum Lal Soni Aged About 48 Years Posted As Assistant Teacher (L.B.) In Government Primary School, Dhuripara Mangla, Block Bilha, District Bilaspur, Civil And Revenue District Bilaspur, Chhattisgarh

---- Petitioner**Versus**

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

---- Respondents

For Petitioner : Shri M.K. Sinha, Advocate

For Respondents/State : Shri Alok Bakshi, Addl. AG

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****12/12/2019**

1. Heard.
2. The grievance of the petitioner is that the petitioner who is 45% disabled has been transferred from Government Primary School Dhuripara Mangla, Block Bilha, District Bilaspur to Government Primary School, Awaspara Mangla Pasid, Block Bhila, District Bilaspur, which is 45 km away from the present place of posting.

3. It is contended on behalf of the petitioner that because of the disability of the petitioner he is not been able to travel and the place where the petitioner is transferred no convenient transportation is available. It is further contended that the petitioner has suffered Hepatitis, which would be evident from the documents and is treated in the Government Hospital. Therefore, considering the bodily condition of the petitioner, his transfer may be reconsidered.
4. Perused the documents filed along with the petition. Annexure P-2 shows that the petitioner is 45% disabled and it is also contended that the place where the petitioner is transferred no proper transportation facility available to commute transferred place. Considering the same, the petitioner is given the liberty to make a detailed representation in this regard before the Grievance Redressal Committee within a period of 15 days from today and on such representation being filed, the Committee in turn shall decide the same within a period of 45 days from the date of receipt of the representation.
5. The petitioner contends that since the petitioner was on medical leave as per the documents filed, he went on medical leave on 29.07.2019 to 05.11.2019 for hepatitis infection, which is evident from the documents, therefore, prima facie it appears that the transfer order might not have been carried out, therefore, taking into the fact that the petitioner is a disabled person, it is directed that till the representation is decided, the transfer order dated 18.07.2019 in respect of the petitioner shall not be given effect to if it has not been carried out till date.
6. With the aforesaid observation, the writ petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge