

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 10778 of 2019**

1. Balaram Karsel, aged 53 years S/o Ram Das Karsel, Assistant UDT, Govt. Middle School, Tatenga, Block Dondilohara, District Balod (C.G.)

---- Petitioner**Versus**

1. State Govt. of C.G. Through – The Secretary, School Education Department Ministry, Mahanadi Bhawan, P.S. Rakhi, New Raipur C.G.
2. Collector, Balod C.G.
3. District Education Officer, Balod C.G.
4. Block Education Officer, Dondi – Lohara, C.G.
5. Neelkanth Dhankar, Teacher (L.B.) Govt. Middle School, Bhimatola Block Dondi-Lohara District Balod C.G.

---- Respondents

For Petitioner : Shri Anukul Biaswas, Advocate

For Respondents/State : Shri Kunal Das, PL

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****19/12/2019**

1. Heard.
2. The contention of the petitioner is that the petitioner has been transferred from Government Pre Middle School, Tatenga, Block Dondi Lohara, District Balod to Government Pre Middle School, Bhimatola, Block Dondi Lohara, District Balod, on administrative grounds. It is contended that the petitioner is the only Science Teacher in the said school, therefore, with the transfer of the petitioner 180 students who are studying there would be at difficulty for their education. It is stated under these circumstances, a resolution was passed by the School Management Committee (Annexure P-3) not to transfer the petitioner. It is further stated that respondent No.5 Neelkanth Dhankar has been transferred from Government Pre Middle School Bhimatola, Block Dondi Lohara, District Balod to Government Pre Middle School Chilhati Kala, Block Dondi Lohara,

District Balod, on his own request, therefore, to accommodate the respondent No.4 the transfer of the petitioner has been effected.

3. Learned counsel for the petitioner would further submit that the transfer of the petitioner to other place would defeat the student teacher ratio as required under the Right to Education Act, 2009. He would further submit that since with the transfer of the petitioner to other place the post of Science teacher would be vacant as such the petitioner has not been relieved till date.
4. Perused the documents. Perusal of Annexure P-3 would show that the School Management Committee has passed the resolution that the petitioner shall not be relieved from the School as he is the only science teacher. Taking into such fact the petitioner is given liberty to make afresh representation before the Collector, District Balod within a period of 3 weeks from today raising all the grievances and may attach all the necessary documents and on such representation being filed, the same shall be decided in accordance with law.
5. With the aforesaid observation, the writ petition stands disposed of.

Sd/-
Goutam Bhaduri
Judge