

HIGH COURT OF CHHATTISGARH AT BILASPUR**W.P.(S) No. 10850 of 2019**

Smt. Vandana Pandey, W/o. Shriniwas Pandey, Aged About 38 Years,
Teacher (Local Body) (Science), Kasturba Gandhi Balika Awasiya
Vidyalaya, Gourela, Bilaspur, District Bilaspur, Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh, Through The Secretary, Department Of School Education, Mahanadi Mantralaya, Naya Raipur, Atal Nagar, Post Office And Police Station Naya Raipur, Atal Nagar, District Raipur, Chhattisgarh.
2. Collector Bilaspur, District Bilaspur, Chhattisgarh.
3. Chief Executive Officer, Zila Panchayat, Bilaspur, District Bilaspur, Chhattisgarh.
4. District Education Officer Bilaspur, District Bilaspur, Chhattisgarh.
5. Block Education Officer Gourela, Bilaspur, District Bilaspur, Chhattisgarh.
6. Jyoti Kshetriya (Thakur) Teacher (Local Body) (Arts), Government Middle School, Newsha, Gourela, Bilaspur, District Bilaspur, Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. B.D.Guru, Advocate
For State	:	Mr. Avinash Singh, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****03.01.2020**

Heard

1. The petitioner who was working as a teacher in science subject has been transferred from Kasturba Gandhi Balika Awasiya Vidyalaya, Gourela, Bilaspur to Government Middle School, Newsha, Block Gourela, Bilaspur vide order dated on 25.10.2019 (Annexure P-1), which is under challenge in this petition.
2. Learned counsel for the petitioner contends that as per the pleading at para 8.3, specific averments have been made that the said communication has been made to the petitioner on 11.11.2019. He further contends that the petitioner is the only science teacher in the present place and she has been replaced by Arts teacher and nothing adverse

exists in the past to show that the result of the school and the standard was bad in respect of the science stream. Consequently, on a mechanical manner only to accommodate the respondent No.6, the petitioner is being transferred. He further submits that though the transfer is within a short distance, however, principally the same is invalid.

3. Since it has been contended that the petitioner is only science teacher and the respondent No.6 who appears to be teacher of Arts subject has been transferred and if the petitioner has been transferred to other school then in absence of any science teacher, it may affect the study of students. Furthermore, the fact that the education standard was not satisfactory is also to be ascertained, as by mere writing that to improve the educational standard the transfer is necessary would not absolve the respondent No.3, Chief Executive Officer, Zila Panchayat, to cause the transfer, as it may affect the ratio of the teacher & students as provided under the Right of Children to Free and Compulsory Education Act, 2009.
4. Under the circumstances, the petitioner is given liberty to make a detail representation to the respondent No.2, Collector, ventilating all the grievances with all pleadings within a period of 15 days from today and if such representation is filed, the same shall be decided within a further period of 45 days. In the meanwhile, till the representation is decided, the transfer of the petitioner shall not be given effect to, if it has not been carried out till date.
5. With such observation, the petition stands finally disposed off.

Sd/-
(Goutam Bhaduri)
Judge