

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 2043 of 2021**

Alka Sharma D/o Radheshyam Sharma Aged About 31 Years
R/o H.N. 4/3, City Bhilai, Street - Pandit Deen Dayal Puram,
New Khursipar, P.O. New Khursipar, District Durg Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Education, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, District Raipur Chhattisgarh.
2. Director Directorate Of Public Education, Indrawati Bhawan, Raipur, District Raipur Chhattisgarh.

---- Respondents

For the Petitioner	:	Ms. Rajni Soren, Advocate
For the Respondents	:	Mr. Sudeep Verma, Dy. Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****25/03/2021**

1. The dispute in the present writ petition seems to be the place of posting given to the petitioner on being appointed on the post of Lecturer (Commerce). The contention of the petitioner is that the petitioner is a person with physical disablement with more than 50% of the disability. She had applied for employment under the said category and has also been selected under the said category. However, when the order of appointment and posting was issued, the petitioner has been posted at Government Higher Secondary School, Harrathema, Block Balod, District Balod (C.G.).
2. The contention of the petitioner is that the home town of the petitioner is at District Durg and the recruitment was conducted for the entire State, which includes district Durg and she belongs to the category of person with physical disability she ought to have been considered and posted in her home district Durg.

3. Counsel for the petitioner also submits that under the Right of Person with Disabilities Act 2016 the government was under an obligation under Section 3(2) ensuring the posting of the person with disability as far as possible at home town/home district. The further contention of the petitioner is that since she is 50% physical disabled, the place of posting is more than 100 Km. from her home town, the petitioner would face great hardship and inconvenience for travelling to the new place of posting and sustaining herself with the disability. According to the petitioner taking this fact into consideration and also taking in view of the protection that person with physical disability have been provided under the Act 2016, the petitioner has already made a couple of representation to the respondents No. 1 & 2 and the representation of the petitioner are still pending.
4. State counsel on the other hand opposing the petition submits that as of now it is the first order of appointment and place of posting which has been issued and last date of joining for the petitioner is March 31st. the request of the petitioner for change of place of posting can also be undertaken even at a later stage on her request, but primarily the order of appointment at this stage has to be complied with.
5. Given the entire facts and circumstances of the case, the writ petition at this juncture stands disposed of directing the respondents No. 1 & 2 to consider and decide the representation of the petitioner seeking for a modification to the place of posting provided to the petitioner in her order of appointment with a request to accommodate the petitioner as far as possible within district Durg. Let an appropriate decision be taken by the respondents No. 1 & 2 at the earliest taking into consideration the short period of time left for the petitioner for joining her service. It is expected that the authority shall consider and decide the same expeditiously in terms of the provision of the law particularly the Act of 2016.
6. Certified copy today.

Sd/-

(P. Sam Koshy)
Judge