

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 2456 of 2021**

Narendra Kumar Patel S/o Shri Motilal Patel Aged About 59 Years Currently Working As Upper Division Teacher At Government Pre Secondary School, Kotra, Tehsil And District- Raigarh (Chhattisgarh)

---- Petitioner**Versus**

1. The State Of Chhattisgarh Through The Secretary, Department Of School Education, Secretariat, Mahanadi Bhawan, New Raipur, District Raipur, Chhattisgarh, Mahanadi Bhawan, Mantralaya, New Rajdhani, P.S. Rakhi, Tahsil And District Raipur (Chhattisgarh)
2. The Joint Director Education Division, Bilaspur (Chhattisgarh)
3. The Collector Janjgir-Champa, Tahsil And District Janjgir-Champa (Chhattisgarh)
4. The District Education Officer Raigarh, District- Raigarh (Chhattisgarh)
5. Shri Vinay Mohan Patel Presently Posted As Upper Division Teacher At Primary Secondary School, Khokra, Vikas Kahnd - Pussore, Tehsil And District - Raigarh (Chhattisgarh)

---- Respondents

For Petitioner	:	Mr. Rajat Agrawal, Advocate
For State	:	Mr. Jitendra Pali, Dy. AG

Hon'ble Shri Justice P. Sam Koshy
Order on Board

17/06/2021

1. Aggrieved by the order dated 19.03.2021, the present writ petition has been filed by the petitioner. Vide the impugned order the petitioner has been transferred from Government Primary School, Kotra, District Raigarh

to the Government Primary School, Khairpur again at Raigarh itself. It is the change of place of posting, by which the petitioner seems to have been aggrieved and which according to the petitioner amounts to transfer. However, on perusal of the impugned order it would reveal that the same is not an order of transfer but is an order of promotion. The petitioner has been promoted along with other similarly placed persons from the post of Upper Division Teacher(E) to the post of Head Master (E), Primary School. Thus, it is a posting order on promotion.

2. Given the said factual matrix, the impugned order cannot be said to be an order of transfer and scope of interference in such order of change of posting/promotion cannot be interfered by the High Court under Article 226 construing it as a transfer petition.
3. However, counsel for the petitioner submits that firstly the petitioner is a person who is around 60 years of age and secondly he is a person who is physically disabled person and has been appointed under disability quota and therefore the petitioner prays that authorities should have considered this aspect while posting the petitioner on promotion.
4. Let petitioner make a detailed representation in this regard to respondent no.2 highlighting the grievances that petitioner has particularly of his belonging to the physically disabled category and respondent authorities should take a decision on the representation of the petitioner in accordance with rules, regulations and policies governing the service conditions of the Government employee who belong to the physically disabled category. While deciding the same the authorities shall also take note of the provisions of the Persons with Disabilities Act, 2016.
5. Subject to the petitioner making a representation within a period of two weeks, the respondent no.2 is expected to take a decision on the representation at the earliest preferably within a period of 45 days from the receipt of representation by the petitioner.

6. Meanwhile, respondents are expected not to take any coercive steps against the petitioner.
7. With the aforesaid observations, the present writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Rohit