

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 4477 of 2021**

Chandrika Prasad Pandey S/o Late Ramadhar Pandey Aged About 45 Years
Working As Teacher (L.B.) And Posted At Govt. Middle School Banki Side,
Block Katghora, District Korba Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Education Mahanadi Bhawan, Mantralaya, Atal Nagar, New Raipur, District Raipur Chhattisgarh.
2. Collector Korba, District Korba Chhattisgarh.
3. District Education Officer Korba, District Korba Chhattisgarh.
4. Block Education Officer Katghora, District Korba Chhattisgarh.
5. Head Master Govt. Middle School Banki Side Block Katghora, District Korba Chhattisgarh.

----Respondents

For Petitioner	:	Mr. Ajay Shrivastava, Advocate
For State	:	Ms. Akanksha Jain, Dy. G.A.

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

24/08/2021

1. The limited grievance that the petitioner faces is that the petitioner is a physically handicapped person with 40% visual impairment in both eyes.
2. According to the petitioner, he was presently posted at the Govt. Middle School at Bankside, Block Katghora, District Korba by way of an attachment and it is this order of attachment which has recently

been cancelled and the petitioner has been sent to his substantive place of posting at Middle School, Pounsra.

3. The learned counsel for the petitioner submits that because of the disability that the petitioner suffers and the fact that the place of his substantive posting at Pounsra, there is no sufficient means of transport, by which the petitioner could have an access to that school and also the fact that the said school also has got excess teachers, the petitioner should be considered to be retained at the present place of posting i.e. at Middle School, Bankside.
4. However, from the pleadings and from the documents enclosed with the writ petition itself it is evidently clear that the petitioner already stands relieved from the Middle School, Bankside as early as on 13.07.2021. In case if the petitioner now has to be continued at Bankside, there has to be a proper order to be issued by the respondents. The place of posting, the tenure of posting and the requirement of the total strength of teachers at a particular school are all matters, which are exclusively within the domain of the officers of the respondents.
5. Let the petitioner approach the respondents particularly respondents No.2 to 4 by a suitable representation in this regard supported with all relevant documents in support of his contentions and the respondents No. 2 to 4 in turn may take an appropriate decision on the request of the petitioner and the respondents shall consider the claim of the petitioner taking note of the fact that the petitioner suffers physical disability of 40% vision impairment and also keeping in view the provisions of the **Rights of Persons with Disabilities Act, 2016**. The

respondents are expected to take a decision within a period of 45 days from the date of receipt of the copy of this order.

6. With the aforesaid observations, the present writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Ved