

NAFR

**HIGH COURT OF CHHATTISGARH AT BILASPUR**  
**WRIT PETITION (S) NO. 4988 OF 2021**

- Deepak Kumar Mishra, S/o Shri C. P. Mishra, aged about 32 years, R/o Rajgamar Road, School Mohalla, Risdi, Korba District Korba (CG)

**... Petitioner**

**versus**

1. State of Chhattisgarh, through the Secretary, Department of School Education, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nawa Raipur District Raipur (CG)
2. The Director, Public Education Department, Indravati Bhawan, New Mantralaya, Raipur (CG)
3. The Commissioner, Bilaspur Division, Bilaspur (CG)
4. The Collector, District Korba (CG)
5. The Collector, District Gaurela-Pendra-Marwahi (CG)
6. The Joint Director, Education Division, Bilaspur (CG)
7. The District Education Officer, District Korba (CG)
8. The District Education Officer, Distt. Gaurela-Pendra-Marwahi (CG)
9. The Block Education Officer, Gaurela, District Gaurela-Pendra-Marwahi (CG)
10. The Principal/Head Master, Middle School Pakariya, Block Gaurela District Gaurela-Pendra-Marwahi (CG)

**... Respondents**

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| For Petitioner        | : | Mr. Alok Pandey, Advocate.     |
| For Respondents/State | : | Mr. Suyash Dhar, Panel Lawyer. |

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**Hon'ble Shri Justice P. Sam Koshy**

**Order on Board**

**[09/09/2021]**

1. Grievance of Petitioner is the issuance of Order dated 24.8.2021 (Annexure P-2) whereby he has been given posting at Government Middle School, Block Gourela, District Gourela-Pendra-Marwahi with a deadline that he should assume the duties by 10.9.2021 failing which the order of appointment would be treated as automatically cancelled.
2. Contention of learned Counsel for Petitioner is that the Petitioner had applied for the post of Teacher-English (Hindi Medium) in T-Cadre. Petitioner is a person with 40% disability and is presently residing at Korba where he is working on the post of Assistant Teacher. After having successfully participated in the selection process, the impugned Order dated 24.8.2021 (Annexure P-2) has been issued whereby the Petitioner has been given posting at Government Middle School, Block Gourela, District Gourela-Pendra-Marwahi.

**3.** Contention of learned Counsel for Petitioner further is that the Petitioner would face great inconvenience on account of his physical disability in giving his joining at the place of posting i.e. Government Middle School, Block Gourela, District Gourela-Pendra-Marwahi, for the reason that firstly there is no direct access to the said place and secondly it would also not be feasible for the Petitioner at this juncture to join at the said place of posting.

**4.** Learned Counsel for Petitioner refers to the Rights of Persons with Disabilities Act, 2016 whereby there is a specific obligation casted upon the State Authorities and the employers to ensure that the persons with physical disabilities should be posted as far as possible at a place nearby their place of residence. In the instant case, the place of residence of Petitioner is Korba and therefore he prays for an appropriate posting nearby Korba so that he can comfortably assume his duties on the post of Teacher-English.

**5.** Given the aforesaid factual matrix of the case and also taking into consideration the provisions of the Rights of Persons with Disabilities Act, 2016, this Court is of the opinion that ends of justice as of now would meet if the present Writ Petition at this juncture is disposed of with a direction to Respondents No.2 & 6 to reconsider the place of posting of Petitioner and to take appropriate decision on the claim of Petitioner.

**6.** Petitioner is also permitted to make a fresh representation to Respondents No.2 & 6 in respect of his grievances and the Authorities concerned shall consider and decide the same keeping in view the provisions of the Rights of Persons with Disabilities Act, 2016.

**7.** Let appropriate decision in this regard be taken within a period of 60 days from the date of receipt of representation.

8. It is made clear that in the event if the Authorities principally agree for changing the place of posting of Petitioner from Gourela to any School nearby the present place of residence of Petitioner, the Respondent Authorities may take all necessary steps for modifying the same by passing suitable orders so that the interest of Petitioner is protected so far as the appointment is concerned. In that event, let necessary orders in that regard be issued after the order of status-quo which is operating in some other Writ Petition, in respect of appointments to be made in Korba District is either vacated or the concerned Writ Petition is disposed of, as the case may be.

9. With aforesaid direction/observation, the Writ Petition stands disposed of.

/sbarad/

Sd/-  
**(P. Sam Koshy)**  
**Judge**