CGHC010372392026 2026:CGHC:43505

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 7137 of 2026

Takeshwar Kaushik S/o Shri Premlal Kaushik, Aged About 43 Years R/o Village - Semariya, Post - Jhirauni, Tahsil - Lohara, District - Kabirdham, C.G.

Petitioner(s)

versus

RAHUL JHA Digitally signed by RAHUL JHA Date: 2026.10.08 10:41:29 +0530

1 - State Of Chhattisgarh Through The Secretary, School Education Department, Mantralaya, Mahanadi Bhawan, Atal Nagar Nava Raipur, District Raipur C.G.

2 - Director, Director, Public Instructions, Indrawati Bhawan, Atal Nagar Nava Raipur, District Raipur C.G.

3 - District Education Officer, Kabirdham, City - District - Kabirdham, C.G.

4 - Transfer Committee, (Constituted Under Clause 08 Of Transfer Policey, 2025) Through The Additional Chife Secretary, Forest Department, Chhattisgarh, Government Cum Chairman Of The Transfer Committee, Mahanadi Bahwan, Nawa Raipur, District - Raipur C.G.

Respondent(s)

(Cause-title taken from CIS)

For Petitioner(s)	**:**	Mr. Jitendra Pali and Mr. Aniket Verma, Advocates
For Respondent(s)	**:**	Mr. Vivek Verma, GA

(HON'BLE SHRI JUSTICE BIBHU DATTA GURU)

Order on Board

07/10/2026

1. By way of the present writ petition, filed under Article 226 of the Constitution of India, the petitioner has called in question the order dated 06.08.2026, whereby the petitioner, working as Teacher (LB) Science at Government Primary School, Simaria, Samriya, Sangul Gochia, Development Block Lohara, District Kabirdham, has been transferred to Government Middle School, Krit Bandha, Development Block Kawardha, District Kabirdham, which is stated to be at a distance of about 40 kilometres from his present place of posting.

2. Learned counsel appearing for the petitioner submits that the petitioner is a person with disability having 45% disability and falls within the category of Orthopaedically Handicapped (OH). He submits that although the State Government Transfer Policy, 2025 does not provide any specific benefit or protection to persons with disabilities, the Hon'ble Supreme Court, vide its judgment dated 26.02.2014, has already issued directions to the Union of India as well as the State Governments to ensure that the beneficial provisions made for persons with disabilities are implemented in its letter and spirit.

3. Learned counsel for the petitioner further submits that the petitioner had earlier approached this Court by filing WPS No. 6185/2026, which was disposed of with a direction to the petitioner to submit a representation before the duly constituted Transfer Committee/Senior Secretary in terms of Clause 8 of the Transfer Policy, 2021. It is submitted that, pursuant to the aforesaid direction, the petitioner submitted a representation raising his grievance, particularly with regard to his disability and the distance of the transferred place. However, the Transfer Committee, without properly considering the beneficial provisions contained in the Rights of Persons with Disabilities Act,

2016 and the peculiar circumstances of the petitioner, has rejected the grievance in a mechanical manner. Hence, the present petition has been filed.

4. On the earlier date of hearing, i.e. 28.08.2026, taking note of the submission made by learned counsel for the petitioner that the petitioner is a person with 45% disability and that the place to which he has been transferred is situated at a distance of about 42 kilometres from his present place of posting, this Court directed the learned State counsel to seek instructions as to whether any post, on which the petitioner is presently working, was lying vacant at any place nearer to his present place of posting.

5. In compliance with the aforesaid direction, learned State counsel has obtained instructions from the District Education Officer, Kabirdham, and copy of the information furnished by the District Education Officer has been produced before this Court, which is taken on record. As per the said information, the posts are lying vacant at Govt. Middle School, Gochiya and at Govt. Middle School, Bandhora. Learned State counsel submits that the petitioner may be considered for posting at any one of the aforesaid available posts.

6. I have heard learned counsel for the parties and have perused the material available on record.

7. It is not in dispute that the petitioner is a person with 45% disability (OH). It is also not in dispute that the place to which the petitioner has been transferred is situated at a distance of about 42 kilometres from his present place of posting. The petitioner has sought accommodation at a nearer place on account of his disability.

8. This Court, while considering the aforesaid grievance on 28.08.2026, had specifically directed the State to ascertain whether any vacant post was available at a place nearer to the petitioner's present place of posting. Pursuant to the said direction, the District Education Officer, Kabirdham, has furnished the information indicating availability of posts at Govt. Middle School, Gochiya and at Govt. Middle School, Bandhora.

9. In view of the aforesaid undisputed position, particularly keeping in view the petitioner's 45% disability and the availability of vacant posts at the places indicated by the District Education Officer, this Court is of the considered view that the grievance of the petitioner deserves to be appropriately redressed.

10. Accordingly, without expressing any opinion on the general validity of the transfer policy or the impugned transfer order, the respondent/Secretary, Department of School Education is directed to post/accommodate the petitioner at any one of the places i.e. either at Govt. Middle School, Gochiya or at Govt. Middle School, Bandhora, as may be considered appropriate by the competent authority. The aforesaid exercise shall be completed and an appropriate order of posting shall be issued within a period of 30 days from the date of receipt of a copy of this order.

11. With the aforesaid direction, the writ petition stands disposed of.

Sd/-

(BIBHU DATTA GURU)
JUDGE

Rahul