NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR W.P.(S) No. 2411 OF 2016

Tarun Sidar S/o Shri Pitamber Sidar ageda bout 32 years working as Assistant Teacher (Panchayat) at Govt. Primary School Ziladi Pousour Tahsil Pousour and District Raigarh (C.G.)

---- Petitioner

Versus

- State of Chhattisgarh Through Secretary, Panchayat and Rural Development Department, Mantralaya, Mahanadi Bhawan, Naya Raipur (C.G.)
- 2. The Collector, Raigarh, District Raigarh (C.G.)
- 3. Chief Executive Officer Zila Panchayat Raigarh District Raigarh (C.G.)
- 4. Chief Executive Officer Zila Panchayat Baloda Bazar District Baloda Bazar Bhatapara (C.G.)
- Chief Exeuctive Officer Janpad Panchayat Pousour District Raigarh (C.G.)

---Respondents

For Petitioner : Mr. R.S. Patel, Advocate

For Respondents/State : Mr. Dilmanrati Minj, Dy. Government Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order on Board

28/06/2016

- 1. Learned counsel for the petitioner submits that in view of the circular dated 11.7.2014, a teacher who is disabled cannot be treated as 'Surplus Teacher'. However, upon being asked whether the petitioner has preferred any representation, it is submitted that no representation has been filed.
- 2. In view of the above submission, this petition at this stage is disposed off with a liberty to the petitioner to file representation before the competent authority who passed the transfer order bringing to notice the provisions contained in relevant Government circular providing for exemption

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from transfer of disabled employee.

- 3. If the petitioner prefers representation within a period of 10 days from today, the same shall be considered and decided by the competent authority within a period of 15 days from the date of filing of the representation.
- **4.** For a period of three weeks, coercive steps shall not be taken against the petitioner.
- **5.** With the aforesaid observations, writ petition stands finally disposed off.

Sd/-(Manindra Mohan Shrivastava) Judge

Tiwari