

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

AND

THE HON'BLE MRS. JUSTICE ANIS

WRIT PETITION No.32927 of 2015

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ORDER: (per Hon'ble Sri Justice Nooty Ramamohana Rao)

This writ petition is directed against an interlocutory order passed by the Andhra Pradesh Administrative Tribunal, Hyderabad in O.A.No.5502 of 2015. The writ petitioner instituted that O.A. seeking declaration that the proposed action of the respondents in awarding Category – III habitation points instead of awarding Category – IV habitation points to the applicant during the process of counseling of transfers scheduled to be held as per the Rules framed by the Government in G.O.Ms.No.63 Education (Ser.II) Department, dated 31.08.2015 as illegal. The applicant also sought for an interim relief to direct the respondents to award Category – IV habitation points to the applicant from 13.11.2005 till date. On that interim relief prayed for, the Tribunal ordered issuance of notice on 30.09.2015. It is against this order the present writ petition is directed.

We failed to understand as to whether the cause of action for the writ petitioner has arisen, for her to approach the Tribunal at the first instance. In anticipation that the official respondents are likely to act contrary to the statutory scheme framed by the Governor and announced through G.O.Ms.No.63 Education (Ser.II) Department dated 31.08.2015 the O.A. was instituted. It is rather unfortunate that in anticipation of accrual of cause of action, the O.A. is instituted and that was entertained by the Tribunal.

An argument was developed before the Tribunal that the place where the petitioner was transferred and working ever since 2005 was under Category – III and suddenly, it is now been down graded as Category – IV.

We find it hard to appreciate this contention. The categorization of habitation and towns has been attempted at by the present enforceable set of rules framed on 31.08.2015, as to how this can be telescoped backwards to 2005 is understandable. We find no merit in this writ petition and dismiss the same.

Accordingly, the writ petition is dismissed at the admission stage. No order as to costs.

The miscellaneous applications, if any shall also stand closed.

JUSTICE NOOTY RAMAMOHANA RAO

JUSTICE ANIS

07.10.2015
Ksp