

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

AND

THE HON'BLE SRI JUSTICE S.V. BHATT

P.I.L.No.260 OF 2015

PC: *(Per the Hon'ble Sri Justice S.V.Bhatt)*

Heard Sri M.Srikanth, holding for Sri M.Panduranga Rao, learned counsel for the petitioner.

The petitioner through the instant PIL prays for Mandamus declaring the action of respondents in seeking to transfer, in the middle of academic year, Headmasters Grade II Gazetted and Teachers working in Government Zilla Praja Parishad and Mandal Praja Parishad Schools in the State of A.P., as illogical and unwarranted.

At the time of hearing, learned Government Pleader appearing for respondents has placed on record the order of this Court in W.P.No.25792 of 2015. W.P.No.25792 of 2015 was filed assailing G.O.Rt.No.389 School Education (IE) Department dated 08.08.2015 and consequential Memo No.Ser.II-2/5028/2015 dated 08.08.2015 as illegal and arbitrary. The said GO provided guidelines for transfer of teachers in junior colleges and the grievance of petitioners therein was transfer of Lecturers in the middle of academic year is illegal and arbitrary. One of the findings which has bearing for the disposal of the present writ petition reads as follows:

“The two fold objections raised by the petitioners are noted only to be rejected. The Government, upon consideration of all relevant facts and circumstances necessitating for effecting transfer of employees, issued GO.Rt.No.389 dated 08.08.2015 broadly providing transfer guidelines for transfer of employees in the department of intermediate education. The Lecturers who are working in the department of intermediate education, if have any grievance could have come forward to challenge the impugned orders. The petitioners do not have locus to challenge GO.Rt.No.389 dated 08.08.2015. For this reason, the challenge to GO.Rt.No.389 dated 08.08.2015 is rejected.

The alternative contention is that the petitioners would be deprived of Lecturers if transfers are effected and the existing teaching staff is transferred without proper posting in their place. On 24.08.2015, at the

request of learned Government Pleader, the writ petition was adjourned to this day to enable him to get instructions and place material, if any, on record. The learned Government Pleader places on record the instructions received from the Commissioner, Intermediate Education dated 26.08.2015 whereunder the proceedings of the Regional Joint Director dated 26.08.2015 are referred to.

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From the above, it is clear that the Lecturers who have been transferred from the 4th respondent College have no grievance against transfers and secondly in the place of transferred Lecturers, suitable arrangements have been made by the respondents.”

We have taken note of submissions of learned counsel appearing for the parties and perused the material on record.

In the case on hand, we are of the view that if a transfer is effected contrary to the applicable rule/guideline of the Government, it is for the affected Teacher to challenge individual transfer order and the petitioner, by way of PIL, cannot seek the general direction against the transfers, if any, implemented by the respondents.

On the ground that the prayer is misconceived and also that the petitioner does not have *locus standi*, the writ petition is dismissed.

Consequently, miscellaneous petitions, if any pending, also stand disposed of.

DILIP B. BHOSALE, ACJ

S.V.BHATT, J

Date: 21.09.2015

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