

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

AND

THE HON'BLE MRS. JUSTICE ANIS

WRIT PETITION No. 32177 OF 2015

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

The petitioner is a female Secondary Grade Teacher working in one of the Mandal Parishad Schools of Guntur Rural area. She challenges the correctness of the orders passed by the Andhra Pradesh Administrative Tribunal in O.A. No. 5511 of 2015 instituted by her.

For once, the Tribunal has rightly noticed that the entire scheme of transfer of the teachers is regulated by statutorily-enforceable rules notified through G.O.Ms.No. 63, Education (SER.II) Department, dated 31.08.2015, which rules are framed exercising the power available under Section 78 read with Section 99 of the Andhra Pradesh Education Act, 1982 as well as the Proviso to Article 309 of the Constitution of India, and came to the conclusion that the case of the petitioner herein is not covered by the priorities spelt out either in Rule 11 or in Rule 8 thereof.

Once a policy of the State has been formulated in the form of enforceable rules, Courts are not entitled to substitute their opinion to that of the policy-maker unless the rule itself is demonstrated to be in violation of any of the fundamental rights guaranteed or any statutory rule and then, the Court can strike it down, but however, it can seldom come up by an interpretative process enlarging the scope and width of such policy measure.

For the aforesaid reasons, we do not find any warrant to interfere with the order passed by the Andhra Pradesh Administrative Tribunal and accordingly, the Writ Petition stands dismissed at the admission stage. No costs.

Consequently, the miscellaneous applications, if any shall also stand dismissed.

NOOTY RAMAMOHANA RAO, J

ANIS, J

01st October 2015

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