

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

THE HON'BLE SRI JUSTICE G. SHYAM PRASAD

WRIT PETITION No. 37664 of 2016

ORDER: (*Per VRS,J*)

Aggrieved by an order of transfer, the petitioner filed an application in O.A.No.2966 of 2016 on the file of the Andhra Pradesh Administrative Tribunal, but the Tribunal dismissed the application, forcing the petitioner to come up with the above writ petition.

2. The grievances of the petitioner are two-fold, namely, (a) that the transfer has been effected in the middle of the academic year, and (b) that the transfer is in violation of the guidelines issued in G.O.Rt.No.272, Health Medical and Family Welfare (B1) Department, dated 20.06.2016.

3. But unfortunately for the petitioner, an order of transfer can be challenged either on the ground that it was *mala fide*, or on the ground that it was contrary to the statutory Rules, or on the ground that it was punitive in nature. Guidelines relating to regulation of transfer have been held by the Supreme Court only to be directory and not mandatory. Therefore, the writ petition deserves to be dismissed and, accordingly, it is dismissed.

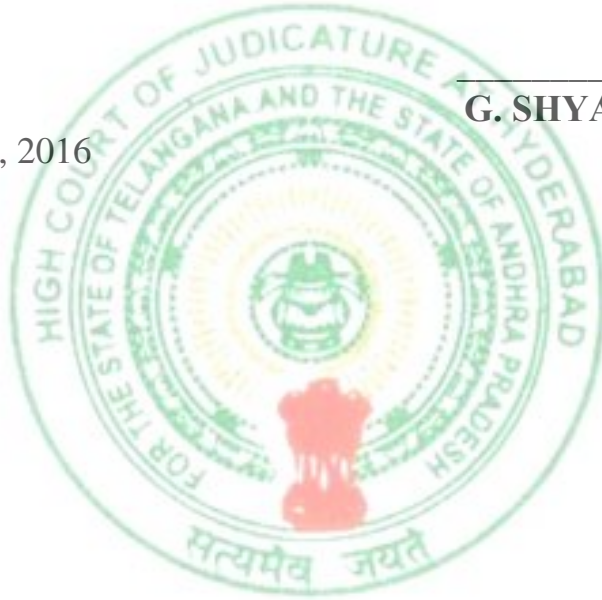
4. However, in view of the fact that the petitioner's wife appears to have got a transfer to a place nearby where he was employed, the representation given by the petitioner may be considered and disposed of by the 1st respondent, within a period of six (6) weeks.

Consequently, miscellaneous petitions if any pending in the writ petition shall stand dismissed. No order as to costs.

V. RAMASUBRAMANIAN, J

G. SHYAM PRASAD, J

3rd November, 2016
cbs





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