

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
HON'BLE SRI JUSTICE M.S.K.JAISWAL

WRIT PETITION No.5072 of 2016

Date:18.02.2016

Between:

R.Radha Padmalatha,
D/o R.Venugaopal Reddy

....Petitioner

And:

The District Educational Officer,
Mahabubnagar District and five others.

.....Respondents

Counsel for the petitioner: Mr. S.Krishna Sharma

Counsel for Respondent Nos.1 to 3: GP for Services (TS)

The Court made the following:

ORDER: *(per Hon'ble Sri Justice C.V.Nagarjuna Reddy)*

Respondent No.5 approached the Andhra Pradesh Administrative Tribunal at Hyderabad (for short 'the Tribunal') through O.A.No.6771 of 2015 for a direction to respondent No.1 to consider her request for transfer from Zilla Parishad High School (Boys) Dhanwad, Mahabubnagar District to a Government School. She

impleaded the petitioner as respondent No.5 in the said O.A. At the admission stage, the Tribunal disposed of the said O.A. by order, dated 08.12.2015, purporting to follow the order, dated 04.11.2015, in O.A.No.6548 of 2015 and batch. While we find that the order passed in the said batch of O.As. pertains to a direction to respondent No.1 to consider the request of the applicants therein for being transferred to a local body institution from the Government institution, the request made by respondent No.5 is converse, *i.e.*, she seeks transfer from a local body school to a Government school.

Be that as it may, the petitioner pleaded that though she was impleaded as respondent No.5 in the said O.A., the same disposed of by the Tribunal at the admission stage without putting her on notice.

While ordinarily, a private respondent is entitled to a notice before an order adverse to his/her interests is passed, considering the innocuous nature of request of respondent No.5, *viz.*, to transfer her from a local body school to a Government school, the Tribunal would have felt it not necessary to put the petitioner on notice.

As could be seen from the impugned order, no specific direction was given by the Tribunal to respondent No.1 to positively transfer respondent No.5 to a Government school and much less, to the post which is presently occupied by the petitioner.

As the petitioner apprehends that respondent No.5 is aiming to be transferred to the post presently occupied by her, interests of justice would be met if the petitioner is permitted to make a representation to respondent No.1 opposing the request of respondent No.5, in case, the latter is seeking transfer to the post occupied by her. Before taking a decision on the request of respondent No.5, respondent No.1 shall consider the representation of the petitioner. Till this exercise is completed, the

petitioner shall not be disturbed from the present post of School Assistant (Physical Science), Government Girls High School, Kohanapalamoor, Mahabubnagar if she has not already been transferred.

Subject to the above directions, the Writ Petition is disposed of.

As a sequel to disposal of the Writ Petition, WPMP.No.6474 of 2016 filed by the petitioner for interim relief shall stand disposed of as infructuous.

*JUSTICE C.V.NAGARJUNA
REDDY*

JUSTICE M.S.K.JAISWAL

*18th February, 2016
DR*