

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

WP.No.24625 of 2017

ORDER :

Heard the counsel for petitioner, and the learned Government Pleader for Services, for respondents.

2. The petitioner herein was employed as Junior Assistant in the Ashram High School (Girls), Mamidiguda, Adilabad District.

3. The 3rd respondent vide proceedings dt.02.11.2015 shifted him from the said post to the A.T.W.O. Office, Adilabad on administrative grounds along with the said post.

4. This was objected to by the District President of the Adivasi Student Union, Adilabad through a complaint dt.26.02.2016. In the said complaint, it was questioned under which provision the petitioner was shifted from Agency Area to Non-Agency Area.

5. The Assistant Tribal Welfare Officer, Boath submitted his enquiry report on the matter, and on the basis of the said report the 2nd respondent was instructed to shift the post back to the Government Ashram High School (Girls), Mamidiguda, Adilabad District, immediately.

6. Thereupon, the 3rd respondent directed the Assistant Tribal Welfare Officer, Adilabad to shift the petitioner from the Office of A.T.W.O. Adilabad so that petitioner can report to the Government Ashram High School (Girls), Mamidiguda, Adilabad District.

7. Assailing the same, the present Writ Petition is filed.
8. The counsel for petitioner contended that the District President of the Adivasi Student Union, Adilabad has no business to complain about petitioner's posting in Adilabad Town from Mamidiguda, and that he underwent *appendicitis* surgery and requires medical treatment; and therefore, he should be retained at Adilabad Town only.
9. It is not in dispute that the surgery of the petitioner took place in August, 2015, i.e., almost two years back. The transfer of the post of Junior Assistant from Government Ashram High School (Girls), Mamidiguda, Adilabad District to the A.T.W.O. Officer, Adilabad, though on administrative grounds, is clearly a transfer from Agency area to non-Agency area.
10. Persons are posted in the Agency area to provide services to the tribals in the Agency area.
11. While it may suit the petitioner to work in a Non-Agency area, it is not fair to the tribals in the Agency Area that they should be deprived of services on account of preference of the petitioner. Since the transfer of the post of Junior Assistant back to the Government Ashram High School (Girls), Mamidiguda, Adilabad District is to provide services to the tribals in the Agency Area and appears to be on administrative grounds to rectify earlier mistake of transferring the

post and the person to the A.T.W.O. Officer, Adilabad, no exception can be taken to it.

12. Therefore, the petitioner cannot be granted any relief in the Writ Petition, and it is accordingly dismissed. No order as to costs.

13. As a sequel, miscellaneous petitions pending if any in this Writ Petition, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 26-07-2017

Ndr/*

