

HON'BLE SRI JUSTICE SURESH KUMAR KAIT

AND

HON'BLE Dr. JUSTICE SHAMEEM AKTHER

WRIT PETITION No.31279 OF 2016

ORDER: (Oral) (*Per Hon'ble Sri Justice Suresh Kumar Kait*)

Vide the present petition, the petitioner has assailed the order dated 31.08.2016 passed in O.A. No.536 of 2016 on the file of the Central Administrative Tribunal, Hyderabad Bench, Hyderabad (for short, 'the Tribunal'), whereby the O.A. filed by the petitioner was dismissed.

2. The issue before the learned Tribunal was whether the transfer of the petitioner from Jawahar Navodaya Vidyalaya (JNV), Guntur to Jawahar Navodaya Vidyalaya (JNV), Bidar, is to be set aside on the ground of violation of the transfer policy and malafides. The petitioner has admittedly been in Guntur ever since the date of his appointment on 14.09.1996 as Trained Graduate Teacher (TGT), had completed nearly 20 years of service in the same station without any dislocation. As per the transfer policy, any TGT, who has completed more than 10 years, is liable for transfer. The petitioner is thus liable for transfer and the action of the respondents in including his name in the impugned Annexure-I of Transfer List of TGT (Mathematics) cannot be faulted.

3. Learned counsel appearing on behalf of the petitioner submits that the respondents failed to consider him for posting to any of his choice places. The whole exercise of inviting option for choice places is to accommodate Teachers at the stations of their choice to the extent possible, however, subject to administrative exigencies. Obviously, it would not always be possible for the authorities to accommodate all the employees at their choice places. The respondents would necessarily have to balance many factors while effecting transfers. The Executive Authority alone is competent to decide as to who is to be posted where. The Courts cannot evaluate or assess the merits and demerits

of the postings and transfers of individual Teachers. The petitioner cannot claim to be posted to his choice station as a matter of right. The respondents have put forth valid reasons for not being able to accommodate the petitioner at his choice stations. It can be looked into as to whether the transfer of the petitioner is in contravention of statutory provisions and rules. No contravention of statutory rules has been established.

4. At this stage, learned counsel appearing on behalf of the petitioner submits that one vacancy is arising at Medak by the end of this month and if the respondents accommodate the petitioner at Medak, he would be able to get admitted her second daughter in a school in 9th standard.

5. We find no merits in the present writ petition, however, liberty is granted to the petitioner to make a representation to the respondents and, on such representation, the respondents shall consider the same, however, subject to administrative exigencies.

6. Accordingly, the writ petition is disposed of. There shall be no order as to costs. As a sequel, miscellaneous petitions pending, if any, shall also stand dismissed.

SURESH KUMAR KAIT, J

Dr. SHAMEEM AKTHER, J

Date:20-06-2017

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