

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE M.GANGA RAO

WRIT PETITION NO.14302 OF 2018

ORDER: (per SK,J)

The State of Andhra Pradesh and its officials filed this writ petition aggrieved by the order dated 27.02.2018 passed by the Andhra Pradesh Administrative Tribunal, Hyderabad (*for brevity*, 'the Tribunal'), in O.A.No.2762 of 2017. The said O.A. was filed by the respondent herein assailing the action of the authorities in not giving effect to his order of transfer dated 30.08.2017 and seeking a consequential direction to them to transfer him to the Zilla Parishad High School, Kolimigundla, pursuant to the said transfer order dated 30.08.2017. By the common order dated 27.02.2018 passed in O.A.Nos.2762 and 3062 of 2017, the Tribunal allowed both O.As. and directed the District Educational Officer concerned to relieve the respondent-applicant and permit him to join at Kolimigundla as per the transfer order dated 30.08.2017.

Perusal of the record reflects that the respondent earlier worked as a Part-time Vocational Instructor in an aided school. He was absorbed along with others similarly situated in regular posts of Craft Teachers and was allotted to the Zilla Parishad High School at Velpanur. In terms of G.O.Ms.No.32, School Education (Ser.II) Department, dated 04.06.2017 issued by the Government of Andhra Pradesh, teachers who complete eight academic calendar year of service in a particular school have to be transferred after a process of transfer counselling. In such process, the respondent chose the Zilla Parishad High School at Kolimigundla, where three vacancies were available – Craft, Vocational and Training. Upon completion of the counselling process, the respondent was issued transfer

order dated 30.08.2017, whereby he stood transferred to the Zilla Parishad High School at Kolimigundla. He was however not relieved pursuant thereto constraining him to file O.A.No.2762 of 2017 before the Tribunal. Interim orders were granted therein directing the authorities to relieve him and permit his joining at the Zilla Parishad High School at Kolimigundla. However, in violation of the said order, the District Educational Officer, Kurnool, issued proceedings dated 30.10.2017 cancelling the order of transfer dated 30.08.2017. Aggrieved thereby, the respondent filed O.A.No.3062 of 2017 before the Tribunal. The Tribunal took note that the stand of the District Educational Officer, Kurnool, was that there was no vacancy available at Kolimigundla for Radio and Television Trade and as the respondent was a teacher in that trade, his services would be of no utility at Kolimigundla. However, the Tribunal observed that the rules framed *vide* G.O.Ms.No.32 dated 04.06.2017 mandated that a Teacher who had completed eight years of service in a school should be transferred compulsorily, and therefore, the authorities having gone through the process of counselling and having acceded to the request of the respondent that he should be transferred to the Zilla Parishad High School, Kolimigundla, could not cancel the said transfer order unilaterally. As regards the contention of the District Educational Officer, Kurnool, that the trade taught by the respondent would be of no utility at Kolimigundla, the Tribunal noted that all students were equally entitled to be instructed in various trades and the stand of the District Educational Officer, Kurnool, was devoid of merit. It is on the strength of this reasoning that the Tribunal allowed both the O.As.

Learned Government Pleader for Services, Andhra Pradesh, would contend that the very absorption of the respondent as a Craft Teacher

was irregular as he was a Radio and TV Technician. She however concedes that no steps have been taken either for re-designation of the respondent or for recalling of his absorption as a Craft Teacher.

It is therefore too late in the day for the authorities to now contend that the respondent ought not to have been absorbed as a Craft Teacher. All the more so, when he has been teaching Radio and Television Trade at Velpanur for over eight years. The order passed by the Tribunal therefore does not merit interference either on facts or in law.

The writ petition is devoid of merit and is accordingly dismissed. Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.



SANJAY KUMAR,J

M.GANGA RAO,J

Date:23.08.2018

PGS/GJ