

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.19134 OF 2018

Date:11.06.2018

Between:

Smt D.Renuka, w/o. M.Sri Rama Chandra,
Aged 42 years, S.G.Teacher, P.S. Kukatpally (Boys),
Balanagar Mandal, Ranga Reddy district
(erstwhile Ranga Reddy District, T.S.,) and others.

.....Petitioners

and

State of Telangana, rep.by its Special Chief Secretary,
School Education Department, Secretariat, Hyderabad
and others.

.....Respondents



The Court made the following:

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.19134 OF 2018

ORDER:

All petitioners are working as Secondary Grade Teachers/ Grade-II Telugu Pandit in Ranga Reddy district. Spouses of petitioners are working in the Secretariat service in Hyderabad. Recently Government has lifted ban on transfers and taken up transfer exercise to transfer employees working in various departments in various categories. In the process, Government issued guidelines to regulate transfers vide G.O.Ms.No.61 Finance (HRM.I) Department, dated 24.05.2018. These guidelines leave it open to the respective departments to formulate their own guidelines/ amend existing guidelines/frame rules/ issue instructions etc. The School Education Department notified Telangana Teachers (Regulation of Transfers) Rules, 2018 (Rules, 2018) vide G.O.Ms.No.16 School Education (Ser.II) Department, dated 06.06.2018. In pursuant to the said G.O., transfer process is taken up in School Education Department. Petitioners pray that they should be granted special points taking note of the fact that their spouses are working in Secretariat in Hyderabad in non-transferable posts and unless special points are given to them in the matter of posting, grave prejudice would be caused to them dislocating their family and causing lot of hardship and suffering to them. This writ petition is filed praying to direct the first respondent to extend special points/extra points under spouse category/grounds to the petitioners as prescribed under G.O.Ms.No.16, dated 06.06.2018 and to issue consequential directions.

2. Rule 6 of the Rules, 2018 prescribes ‘Entitlement Points’. Clause-I of Rule 6 prescribes weightage of points called as ‘common points’; and Clause-II deals with ‘special points (extra points)’. Insofar as the present case is concerned, the relevant rule is Rule-6 (II) (c). It reads as under:

6.	Entitlement Points	II. Special Points (extra points): (a) & (b) xxxx © Ten (10) points for Head Master/ Head Mistress Gr.II (Gazetted)/ Teacher, whose spouse is working in State Government or Central Government or Public Sector undertaking or Local Body or Aided Institution in the same District and opted for transfer nearer to and towards the place of working of his/her spouse, benefit of spouse points shall be applicable to the Head Master / Head Mistress Gr.II (Gazetted) once in (5) years and Teachers once in (8) years. An entry shall be made in this regard in the Service Book. A copy of the Certificate issued by the competent authority shall be enclosed to the application to consider cases under this category. (emphasis supplied)
-----------	---------------------------	--

3. A plain reading of this Rule makes it clear that if a spouse is working in State Government or Central Government or Public Sector undertaking or Local Body or Aided Institution **in the same district** and an employee opted for transfer nearer to and towards the place of working of spouse, benefit of spouse points to the extent of 10 points should be extended. In the case on hand, this provision is not attracted as spouses of petitioners are not working in Ranga Reddy district and the State Secretariat is within the city of Hyderabad i.e., Hyderabad district.

4. Learned counsel for petitioners would submit that in view of special circumstances, special points should have been granted to the petitioners. According to learned counsel, even in the year

2016 on similar issue, Government clarified and issued Executive Orders to the extent of weightage principle to the spouses working in the Secretariat service, whereas same benefit is not extended and same is illegal. It also amounts to arbitrary exercise of power and authority. He would submit that spouses are working in non-transferable posts in Hyderabad. They are deprived of special points without any justification and the same amounts to clear discrimination against petitioners.

5. It is seen from the material on record, earlier decision on which reliance is placed is an executive order granting 10 special points to the teachers, whose spouses are working in the Secretariat. The Rules governing 2016 transfer counselling is not placed on record. Be that as it may, the above extracted rule is clear; special weightage points are available only in case the spouse is working in the same district. Admittedly spouses of petitioners are not working in the same district. This provision is not under challenge. In the absence of challenge to the provision in the rules governing transfers, which clearly specifies that district as unit for consideration of special weightage points, the relief sought in the writ petition to the extent of weightage points claiming that spouses are working in the Secretariat cannot be granted. Writ petition is liable to be dismissed in limini and is accordingly dismissed leaving it open to petitioners to work out their remedies. Pending miscellaneous petitions shall stand closed.

JUSTICE P.NAVEEN RAO

Date: 11.06.2018
Note: Issue CC in two days.
(B/o.)
kkm

HONOURABLE SRI JUSTICE P.NAVEEN RAO



WRIT PETITION NO.19134 OF 2018

Date: 11.06.2018

kkm