

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.19159 of 2018

Dated:12.06.2018

Between:

Smt E.Prabhavathi W/o N.Mallikarjuna Rao,
Aged about 38 years, occ: Secondary Grade
Teacher, Mandal Parishad Upper Primary
School, Kothapally Mandal Parishad Maganoor,
Mahabubnagar District,
Telangana State,
Previously S.G.T Primary School Gunded,
M.P.Balanagar, Mahabubnagar District,
Telangana State.

...Petitioner

AND

The State of Telangana rep.by its
Principal Secretary School Education
Department, Secretariat Buildings,
Hyderabad and others.

.. Respondents



The Court made the following:

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ORDER:

While the petitioner was working in Mandal Parishad Primary School, Gunded of M.P.Balanagar, she was placed under suspension by order, dated 30.06.2017. The suspension was revoked by order, dated 08.08.2017, and she was posted to Mandal Parishad Upper Primary School, Kothapally, MP Maganoor, Mahabubnagar District.

2. Government now taken up exercise of transferring of employees working in various departments. Vide G.O.Ms.No.61, Finance (HR,I) Department, dated 24.05.2018, Transfer guidelines were notified. The Education Department notified "The Telangana Teachers (Regulation of Transfers) Rules, 2018" (for short, 'the Rules') vide G.O.Ms.No.16, School Education (Ser.II) Department, dated 06.06.2018. Rule 5 of the said Rules prescribed criteria for transfers. According to sub-rule (3) of Rule 5 of the Rules, persons must complete minimum two years service in a particular school as on 31st May of the current year, to be eligible to apply for transfer. Facing this obstacle, this Writ Petition is filed by the petitioner claiming the service rendered by her in M.P. Balanagar prior to suspension is also to be computed towards qualifying service.

3. As noted above, the provision in Rule 5 (3) of the Rules is very clear. To claim the same, persons must complete minimum two years service in a particular school as on 31st May of the current year. The petitioner was posted to the present post on

08.08.2017 and therefore, she has not completed minimum two years service as required by the Rules. The service rules are not under challenge. In view of clear provision in the Rules, the claim of the petitioner to compute the past service for the purpose of determining the eligibility cannot be accepted.

4. The Writ Petition merits no consideration and is accordingly, dismissed *in limini*.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

JUNE 12, 2018
YVL

JUSTICE P.NAVEEN RAO



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