

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.19446 OF 2018

Dated:13.06.2018

Between:

Sri Riyaz Ahmed Khan, School Assistant
(Bio Science), ZPHS Digwal, Sanga Reddy
District, S/o. Gulam Mustafa Khan,
Aged about 53 years, R/o.H.No.11-12,
MIG Phase-II, Site-II, Housing Board Colony,
P.R. Palli, Sanga Reddy, Sanga Reddy District .. Petitioner

And

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



The Court made the following:

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ORDER:

Heard.

2. Petitioner was appointed as Secondary Grade Teacher in the year 1985 and was promoted as School Assistant in the year 2009. By proceedings dated 26.07.2009, he was transferred to Upper Primary School, Arkela, Papannapet Mandal, Medak District. While working in the said place, petitioner was sent on deputation to Sarva Shiksha Abhiyan (Rajiv Vidya Mission) and was posted to Sanga Reddy on 14.02.2014. He continued on deputation till 28.03.2017. After completion of deputation, he was posted to Zilla Parishad High School, Digwal, Kohir Mandal, Sanga Reddy District, which is now forming part of Sanga Reddy District, and he joined there on 29.03.2017. Petitioner is now contending that he should be subjected to transfer.

3. According to learned counsel for the petitioner, in terms of Rule 5 of the Telangana Teachers (Regulation of Transfers) Rules, 2018 (for short, 'the Rules, 2018'), petitioner completed five years of service and therefore he can request for transfer and not considering his request for transfer is arbitrary and illegal.

4. The relevant posting orders and the dates noted above would make it clear that petitioner was working in three different places from the year 2009 to this date. Petitioner was posted in Digwal only on 04.04.2017. According to Rule 5 (1)(a) of the Rules, 2018, a person is liable for transfer on completion of five years of service **in a particular school as on 31st May of the current year.**

According to sub-rule (3) thereof, a person, who has completed a minimum period of two years of service **in a category of post in a School as on 31st May of the current year,** shall be eligible to apply for transfer.

5. In the case on hand, petitioner has not completed even one year of service in Digwal. As these are independent postings, petitioner cannot seek to compute the past service rendered on deputation or in Arkela for the purpose of consideration of transfer either under Rule 5(1)(a) or Rule 5(3) of the Rules, 2018. I therefore do not see any error in not considering the petitioner for transfer in the present transfer exercise, as a consequence of the notification of the Rules, 2018. The Writ Petition merits no consideration and the same is liable to be dismissed.

6. The Writ Petition is accordingly dismissed. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

P. NAVEEN RAO, J

Date:13.06.2018

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