

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 19752 of 2018

Date : 14.6.2018

Between:

Ade Saritha W/o R Prakash
28 years SGT
MPP school Nelkivenkatapur
Dandapally mandal, District Mancherial

Petitioner

And

The State of Telangana
Rep by its Principal Secretary
Education Department
Secretariat Hyderabad and others

Respondents

The Court made the following:



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ORAL ORDER:

Petitioner is working as Secondary Grade Teacher, Telugu medium at Mandal Praja Parishad School, Nelkivenkatapur, Dandapally mandal, Mancherial district from 26.7.2015. According to petitioner, her husband is presently working at District Jail, Nizamabad. According to petitioner she is blessed with two children born on 12.1.2013 and 12.1.2015. She now seeks transfer to a place nearer to place of work of her husband, so that her two young children can be looked after properly.

2. Consequent to lifting of ban on transfers, Education department notified 'The Telangana Teachers (Regulation of Transfers) Rules, 2018' vide G.O.Ms.No. 16 dated 6.6.2018 and transfer exercise is undertaken by the department. Rule 5 (5) of the Rules prescribe criteria for transfers.

3. According to learned Assistant Government Pleader, there is a bar on consideration of teachers working in agency area to be posted out of agency area. Petitioner is working in agency area and belongs to that unit and therefore cannot be posted out of agency area, whereas the request made by the petitioner is to post her out side the agency area.

4. Rule 5 (5) clearly stipulates that transfer should be affected within the present management i.e., agency area to agency area and plain area to plain area. In view of this embargo, request for transfer outside the agency area cannot be considered. The Rule is not under challenge, therefore, no relief as sought for by the petitioner can be granted.

5. However, since the claim of the petitioner appears to be genuine, therefore, liberty is granted to the petitioner to make a

representation to the competent authority to exercise power under Rule 31 of the Telangana State and Subordinate Service Rules, 1996. If such a representation is made, the competent authority shall examine the feasibility of acceding to the request of the petitioner and to pass appropriate orders as warranted by law. No costs. Miscellaneous petitions, if any pending, are closed.

P NAVEEN RAO,J

DATE: 14-06-2018
TVK



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