

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.19698 OF 2018

DATED : 14.06.2018

Between :

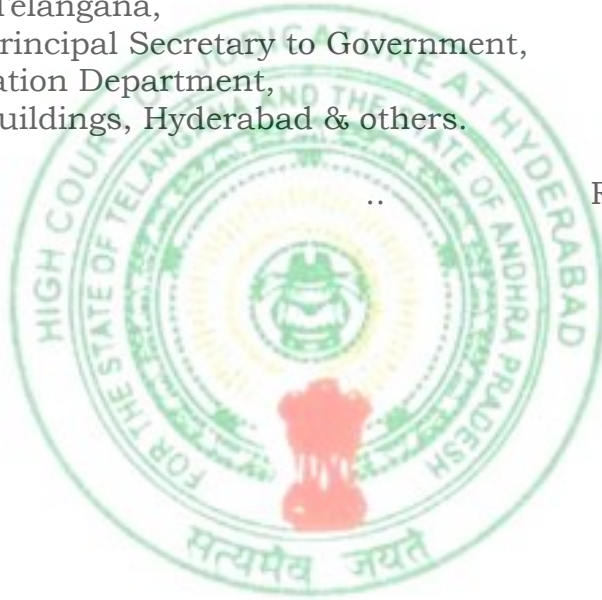
K.Ravichandra Sekhar S/o.K.Mallikarjuna Rao,
Aged about 45 yrs, Working as School Assistant
(Physical Science), working at Z.P.High School,
Nizampet, Bachupally Mandal,
Medchal-Malkajgiri District,
R/o.Padmavathi Nagar Colony,
L.B.Nagar, Hyderabad.

.. Petitioner

And

The State of Telangana,
Rep., by its Principal Secretary to Government,
School Education Department,
Secretariat Buildings, Hyderabad & others.

.. Respondents



This court made the following :

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ORDER :

Heard learned counsel for the petitioner and learned Government Pleader for Services-I (TG).

2. Petitioner was transferred and posted as School Assistant in Physical Science in Nizampet Village on 23.04.2009. The Government has relaxed ban on transfers and as a consequence, the School Education Department, notified the Rules vide G.O.Ms.No.16 dated 06.06.2018 to take up transfers. As per Rule 5 of the Telangana Teachers (Regulation of Transfers) Rules, 2018, petitioner is liable for compulsory transfer as he has completed eight years of service in the present station. The grievance of the petitioner is that while computing the points allocatable to the petitioner with reference to choosing of option of place for posting, he was not awarded 2.5 points under Performance Related Extra Entitlement Points and on account of the same grave injustice is caused to him. According to petitioner there were 57 students in his class and sufficient books were not available. Though petitioner was required to attend to 57 students and books were not available, he worked hard to ensure good pass out percentage and ensured 82.4%. These aspects ought to have been taken into consideration while determining the performance points.

3. Rule 7 of the Telangana Teachers (Regulation of Transfers) Rules, 2018, prescribe performance related extra entitlement points. According to this rule, if the results are 100% 2.5 points are awarded; between 99 and 95 %, two points and between 94

and 90% one point. In other words less than 90% pass percentage, no point is awarded under this category. The nature of work done by the petitioner is different from the parameters of consideration for transfer and assignment of placement, when the Rules specifically provides weightage of 2.5 points only if a person has achieved 100% result. The Court cannot hold that even though the performance of petitioner is 82.4%, he should be granted 2.5 weightage points. The Rule is not under challenge in this writ petition. Therefore, the Court is not inclined to grant the relief as prayed for.

4. Accordingly, the Writ Petition is dismissed. However, since petitioner made a representation on 12.06.2018, ventilating his grievance of not awarding appropriate entitlement points, it is for the competent authority to consider such request notwithstanding dismissal of the writ petition. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

14th June, 2018
Rds

P.NAVEEN RAO,J