

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.20056 OF 2018

Dated:18.06.2018

Between:

M. Venu Madhav Rao, S/o. Sudershan,
Aged about 44 years, Occ: Secondary
Grade teacher, UPS Shankora, Varni,
Nizamabad District and others

.. Petitioners

And

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

.. Respondents



The Court made the following:

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ORDER:

Heard learned counsel for petitioners, learned Government Pleader for Services-I and learned Government Pleader for Education and with their consent, the Writ Petition is taken up for disposal at the admission stage.

2. All the petitioners herein are working in various categories such as School Assistants, Secondary Grade Teachers etc. Petitioners now seek for grant of weightage points to them for the meritorious service rendered by them. Petitioners claim to have secured National Merit certificates and other meritorious certificates and have been actively involved in the digitization work and in conducting digital classes. Petitioners therefore seek weightage points for the kind of service rendered by them in considering their requests for transfers.

3. The Government lifted ban on transfers and issued transfer guidelines. Consequently Education Department notified Rules known as 'The Telangana Teachers (Regulation of Transfers) Rules, 2018' (for short, 'the Rules') vide G.O.Ms.No.16, dated 06.06.2018, and is taking transfer exercise of teachers working in various categories. Rule 5 of the Rules prescribes criteria for transfers. Rule 6 thereof prescribes entitlement points. Sub Rule II of Rule 6 of the Rules prescribes Special Points (Extra Points). These extra points are awarded to President and General Secretary of the Association, un-married Head Mistress/Grade II Female Teacher, Head Master/Head Mistress Grade II (Gazetted)/Teacher, whose spouse is working in the same district etc. Rule 7 of the Rules deals with Performance Related Extra Entitlement Points. Under this Rule,

entitlement points are provided for achieving higher percentage of results in schools.

4. A reading of these Rules would make it clear that no weightage marks are earmarked for teachers securing awards/meritorious certificates or doing any other quality work as claimed by the petitioners.

5. According to learned counsel for petitioners, in 2013 and 2015 in counseling, such weightage points were given and for the first time such weightage points are deleted, causing hardship and suffering to petitioners.

6. At this stage, it is suffice to note that the relevant Rules are not under challenge. Therefore, the Court cannot express any opinion on the decision of not providing weightage points. In the absence of challenge to the Recruitment Rules, the relief sought by the petitioners also cannot be granted as the relief prayed is contrary to the statutory requirements.

7. Thus, leaving it open to the petitioners to make representation to the Competent Authority to exercise power under Rule 31 of Telangana State and Subordinate Service Rules, 1996 and to grant weightage points, Writ Petition is disposed of. It is needles to observe that if any such representation is made, same shall be considered in accordance with law. No costs. Miscellaneous petitions, if any pending, are closed.

P. NAVEEN RAO, J

Date:18.06.2018

Note:- Issue C.C. today.

(B/o)
KH