

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.21075 OF 2018

Date: 25.06.2018

Between:

Enukulla Venkatarami Reddy S/o karakar Reddy
51 years
Gr II Head Master, ZPS School Pindiprolu
Thirumalaya Palem mandal
Khammam district

.....Petitioners

and
The District Educational officer
Khammam district
Khammam and others.

.....Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P NAVEEN RAO

WRIT PETITION NO. 21075 OF 2018

ORAL ORDER:

Heard learned counsel for petitioner and learned Government Pleader and with their consent the writ petition is taken up for disposal at the admission stage.

2. Petitioner was promoted as Grade II Headmaster on 10.2.2011 and is working in Zilla Parishad Secondary School, Pindiprolu, Thrimlayapalampalem mandal, Khammam district. According to petitioner, he was elected as District General Secretary, Khammam district of Telangana State Gazetted Headmasters Association in the year 2017 and his tenure is five years; during his tenure as District General Secretary, he is entitled to claim additional points in that capacity while considering the transfer claim of the petitioner. According to petitioner as he is liable for transfer, he has submitted his application and in column no.24 of the application, he has mentioned that he is an office bearer of the association. According to petitioner, he is entitled to 10 additional points in computation of the entitlement points. According to petitioner, though initially 10 points were awarded, later these 10 points were deducted by referring to a letter dated 11.6.2018 addressed by the State Body of the Association to the Commissioner and Director of School Education Department/second respondent herein informing that one Mr D.Jogaiah, Gazetted Headmaster is the General Secretary and he is entitled to avail the benefit of 10 points as General Secretary of the service association. Aggrieved by the action of the respondent authorities in deducting 10 weightage points granted to him, this writ petition is filed.

3. According to learned counsel for petitioner, as petitioner is General Secretary validly elected in the year 2017, in accordance with the Rules governing transfers, petitioner is entitled to claim 10 additional

weightage points as provided by the transfer Rules and not granting 10 points by referring to letter addressed by the Association is illegal. As long as his tenure as General Secretary is not completed, he is alone entitled to 10 points and no other person can be granted those points.

4. Consequent to lifting of the ban on transfers, the Education Department has taken up the exercise of considering transfer of teaching staff working in various categories. To regulate transfers, Government notified 'The Telangana Teachers (Regulation of Transfers) Rules, 2018' vide G.O.Ms.No.16 School Education (Ser.II) Department dated 6.6.2018 (Transfer Rules). These Rules, deal with all aspects of transfer. Rule 5 prescribes 'Criteria for Transfers'. A teacher is liable for compulsory transfer on completion of 5/8 years of service as the case may be in a particular school. Petitioner is working in present school since 2012, as such, is liable for compulsory transfer. Rule 6 deals with 'Entitlement Points'. In addition to common points, special points (extra points) are prescribed under Rule 6 (II). According to Rule 6 (II) (a) the President and General Secretary of the Teachers' Association at the State level and District level are eligible for 10 points.

5. Petitioner claims to be member of Telangana State Gazetted Headmasters Association recognised by the Government as service association. According to petitioner he was elected as General Secretary in the year 2017 and continues to be the General Secretary and, therefore, claims 10 weightage points as mentioned in Rule 6 (II) (a) of the Rules. He is aggrieved by deduction of 10 weightage points.

6. It is pertinent to note that Telangana State Gazetted Headmasters Association addressed letter to the second respondent signed by the General Secretary of the State Association, informing the second respondent the names of Presidents and General Secretaries of the 10 districts branches in the State. Serial No.3 of tabulated statement

deals with Khammam district. As per this letter Mr R Veeraswamy, working at Mangalagudem is President and Mr D.Jogaiah working at Dammannapet is General Secretary of the Khammam District Branch.

7. As per Rule 6-II (a), President/General Secretary is entitled to claim 10 additional weightage points as long as he is holding the said position. Who is elected/appointed as President or General Secretary of the Association is an internal affair of the Association. The Department has to take note of office bearers of the association based on the information furnished by the association. Learned counsel for petitioner do not dispute that the State Association addressed letter dated 11.6.2018 informing the second respondent the persons holding the office of the President and General Secretary in the respective districts. Whether Mr D Jogaiah was validly elected as General Secretary of Khammam District branch or petitioner is the General Secretary cannot be gone into by the District Educational Officer.

8. If petitioner is disputing status of Mr D Jogaiah as General Secretary or the assessment of the State Association in treating him as General Secretary ignoring the petitioner as General Secretary, petitioner has to work out his remedies before appropriate forum in appropriate proceedings. Fact remains that the department was informed by State Association about the persons who are entitled to represent the Association and to claim weightage points under Rule 6 (II) (a) and concerned authority cannot ignore said information and go by the declaration given by the petitioner. The provision in Rule 6 (II) (a) is applicable to a person recognised as General Secretary by the Association and cannot be extended based on individual claim.

9. I therefore do not see any illegality in the decision of the District Educational Officer in not computing 10 weightage points claimed by the petitioner under Rule 6 (II) (a) in his application

warranting interference by this Court. Writ Petition is accordingly dismissed. However, it is made clear that it is open to the petitioner to work out his remedies, if he has grievance with reference to State Association treating Mr D Jogaiah as General Secretary instead of petitioner. Pending miscellaneous petitions shall stand closed.

JUSTICE P.NAVEEN RAO

Date: 25-06-2018

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HONOURABLE SRI JUSTICE P.NAVEEN RAO



WRIT PETITION NO.21075 OF 2018

Date: 06.2018