

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.21821 OF 2018

DATED : 27.06.2018

Between :

Dr.Sode Laxmi, W/o.Dr.Ravi,
Aged 43 yrs, R/o.H.No.1-10-295/3,
Main Road, Metpally,
Jagithyal District.

Petitioner

And

The State of Telangana,
Finance (HRM-I), Department,
Secretariat, Hyderabad,
Rep., by its Principal Secretary to Government & others.

Respondents



This court made the following :

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ORDER :

Petitioner is appointed as Dental Assistant Surgeon and posted to Community Health Centre, Morthad on 30.12.2006. She has been working in the said post all along. Consequent to lifting of ban on transfers, transfer exercise was undertaken in the Medical and Health Department also. As petitioner was working for long time in Morthad, she was identified as the person liable for compulsory transfer. Petitioner submitted application indicating her choice of posting and she was asked to exercise 10 preferences. On consideration of various preferences, and in compliance with the transfer guidelines, petitioner was posted to Dichpally which is one of the options given by her. In this writ petition petitioner challenges her transfer to Dichpally.

2. Heard learned counsel for the petitioner and learned Assistant Government Pleader for Services- II.

3. According to learned counsel for the petitioner, petitioner is having a child who is now studying in IVth class and her transfer would affect his education. He also submits that the father of petitioner has undergone open heart surgery and he requires treatment regularly. Therefore, petitioner should be retained. He also submits that in the place of petitioner another Doctor was posted and they have agreed for retention at the respective places and to that extent a request was also made. He therefore, submits

that petitioner ought to have been given the higher preferences or ought to have been retained and shifting is not valid in law.

4. Learned Assistant Government Pleader supports the decision to transfer having regard to the fact that petitioner has been working in the same place for more than 12 years, she is transferred and is given one of the places chosen by her.

5. As fairly submitted by learned counsel for the petitioner, the distance between the present place of working and Dichpally is hardly about 45 k.ms. Dichpally may be same distance from Morthad as compared to Korutla or some other place chosen by her. Therefore, it cannot be said that treatment of her father would be affected by shifting from Morthad to Dichpally.

6. Further, the son of petitioner is studying in IVth Class. It cannot also be said that the education of her son would be affected adversely. At any rate petitioner son is studying in a school in Korutla and certainly not in Morthad. Therefore, it would make no difference, if petitioner is shifted to Dichpally or retained in Morthad.

7. Having regard to the fact that petitioner has been working for more than 12 years in Morthad, I do not see any illegality in affecting transfer of petitioner. The doctors who are subjected to transfer cannot arrive at mutual understanding and request for retention. As both doctors are liable for transfer, they should be shifted out of respective places of work. One of the primary object of transfer policy is to be an effective tool in capacity building. Thus, retention of doctor at same place for long time would be

contrary to the norm of Effective tool in capacity building.
Therefore, on this ground also, the present transfer cannot be held
as vitiated, warranting interference by this Court.

8. The writ petition is liable to be dismissed and is dismissed.
Miscellaneous petitions, if any, pending in this writ petition shall
stand closed.

27th June, 2018
Rds

P.NAVEEN RAO,J

