

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.22681 OF 2018

Dated:05.07.2018

Between:

K. Sharada, W/o. P. Ravinder,
Age 40 years, Occ: Teacher,
R/o. Plot No.58, Brindavan Colony,
Dr. A.S. Rao Nagar, ECIL,
Ranga Reddy District

.. Petitioner

And

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

.. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO**WRIT PETITION No.22681 OF 2018****ORDER:**

Heard learned counsel for the petitioner and learned Government Pleader for Education.

2. Petitioner was appointed as Physical Education Teacher in the year 2009 and posted to Zilla Parishad High School, Mallapur, Uppal Mandal, Medchal District. As petitioner completed nine years of service, she is now liable to be transferred compulsorily. Pursuant to lifting of ban on transfers, the Government notified the Telangana Teachers (Regulation of Transfers) Rules, 2018 (for short, 'the Rules') vide G.O.Ms.No.16, dated 06.06.2018, and accordingly petitioner applied for transfer. In the preferential category, petitioner mentioned 'yes' against Column No.29 and 'a' against Column No.29 (A) and they are relatable to Rule 8 of the Rules which assign preferences to the categories mentioned therein. As per Rule 8(a) of the Rules, persons claiming disability of more than 70% are granted precedence in the seniority list. It appears, petitioner also secured certificate of disability of her husband. After submission of application and on verification of the same, petitioner is assigned appropriate seniority based on the entitlement norms. Petitioner now alleges that the seniority placement now assigned is not valid and that she should be given priority consideration on the ground that her husband is having neurological problem. In the Writ Petition paper book, certain medical certificates are enclosed showing that her husband is having neurological problem.

3. If what is contended by the petitioner is true, she is entitled to preferential category as per Rule 8 of the Rules. However, as part of the counseling process, a teacher is required to make online application filling up the relevant columns and relevant documents in support of the claim. In the relevant column, petitioner has written (a), as noted above, which is relatable to Rule 8(a) of the Rules and as the disability is not to the petitioner, petitioner is not entitled to preferential category.

4. At this stage, learned counsel for the petitioner sought to contend that it was a mistake in mentioning 'a' against Column No.29(A), whereas petitioner is entitled to claim preferential category under Rule 8(d) of the Rules and she may be permitted to undertake correction of entry.

5. Learned Government Pleader for Education would submit that there is no such provision for undertaking corrections once options exercised are freezed.

6. As per the recent decision of the Government, only editing options are granted for the places, whereas in the case on hand, what is sought by the petitioner is change of preference and that is not permissible. Therefore, the prayer as sought for by the petitioner cannot be granted. However, it is open to the petitioner to make an application for consideration of her claim and if such application is made within two days from today, the competent authority may examine the request preferably before finalizing the transfer exercise.

7. The Writ Petition is accordingly disposed of. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

P. NAVEEN RAO, J

Date:05.07.2018

Note:- Issue C.C. tomorrow.

(B/o)
KH

