

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.22819 OF 2018

Dated:05.07.2018

Between:

G. Sarojana, W/o. Mallesham,
Aged about 49 years, Occ: Multipurpose
Health Supervisor (F), Kathalapur PHC,
Kathalapur Village and Mandal, Jagityal
District, (Old) Karimnagar

.. Petitioner

And

The State of Telangana, rep., by its
Principal Secretary, Medical and Health
Department, Secretariat Buildings,
Hyderabad and others

.. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

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ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Medical and Health.

2. Petitioner is presently working as Multipurpose Health Supervisor in Primary Health Center, Kathalapur, Jagityal District. Consequent upon lifting of ban and undertaking transfer exercise by the Medical and Health Department, petitioner participated in the transfer counselling. In the application submitted by the petitioner for transfer, she has chosen ten places. Grievance of the petitioner is that even though she has opted ten places, she was not given any of them and instead she is posted to Ibrahimpatnam.

3. According to learned counsel for the petitioner, petitioner exercised ten places for posting including, Primary Health Center at Choppadani and Gangadhara and they are vacant and the respondents should have given the said places to her and not granting the same to her and keeping them as vacant is not valid in law.

4. In view of the said contention, learned Government Pleader for Medical and Health was directed to obtain instructions. According to her, vacancy is filled up by posting Sakinala Sulochana, as her name is above to that of the petitioner in the seniority list. Moreover, as husband of Sulochana is working as Village Revenue Officer in Karimnagar District, she is entitled to

priority consideration on spouse ground. This is one of the places petitioner has opted.

5. With reference to vacancy in Gangadhara, learned Government Pleader submits that the said vacancy is not shown in counselling process. Vacancies for transfer are notified by reflecting clear vacancy position and places where existing employees are in occupation of a particular place for a long time and are liable for compulsory transfer. Vacancy in Gangadhara is not shown and therefore exercising option and considering the petitioner for transfer does not arise. She would therefore submit that none of the places, which the petitioner opted, are available to her and the vacancy against which she is posted is not very far from her present posting.

6. Having regard to these submissions, it cannot be said that the transfer exercise undertaken is illegal and granting appropriate placement to the petitioner cannot be faulted.

7. At this stage, learned counsel for the petitioner seeks leave of the Court to make an application requesting for modification of the transfer order and to post the petitioner to a nearer place.

8. If that is so, it is open to the petitioner to make an application requesting the Director, Public Health and Family Welfare, the 2nd respondent, to consider the modification of the transfer order and to post her at appropriate place explaining the reasons in support of her request. The petitioner shall make application immediately and if such application is made, the 2nd respondent shall consider the same objectively and take

appropriate decision as warranted by law within two weeks thereafter. 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

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