

**HON'BLE SRI JUSTICE SURESH KUMAR KAIT
AND
HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI**

WRIT PETITION No.16101 of 2017

ORDER: (ORAL)

(Per Suresh Kumar Kait, J)

Vide the present petition, petitioner has challenged order dated 20.04.2017 passed in O.A.No.1060 of 2017 by the A.P. Administrative Tribunal at Hyderabad, whereby the application filed by the petitioner under Section 19 of the Administrative Tribunals Act, 1985 has been dismissed.

2. Learned counsel appearing on behalf of the petitioner submits that in view of the order dated 30.03.2001 passed by the A.P. Administrative Tribunal, Hyderabad in O.A.No.7204 of 1997 and as per G.O.Ms.No.118 dated 20.09.2000, the petitioner, who was working a School Assistant (Social) Urdu Medium in MPUP School (Urdu) Vinukonda, Guntur District, was transferred and posted in the existing vacancy at Government Girls High School, Chowtra, Guntur District vide proceedings dated 30.04.2001. He further submits that initially the petitioner was selected as Urdu teacher in Z.P. High School, however, pursuant to the order of the Tribunal mentioned above, she was transferred to Govt. School vide proceedings dated 30.04.2001 and since then she continued as such. Thereafter, the 7th respondent filed O.A.No.2658 of 2013 and the same was disposed of by the Tribunal vide order dated 09.12.2015 in terms of the order passed in O.A.No.6548 of 2015 and batch dated 24.11.2015.

3. We note, in the said O.A., the Tribunal, in view of the facts and circumstances that were prevailing, directed the respondents to consider the cases of the petitioner and the 7th respondent herein for transfer to their parent institutions soon after the end of the academic year and pass appropriate orders as expeditiously as possible.

4. Thereafter, pursuant to proceedings dated 12.04.2017, petitioner herein was transferred from Government High School for Girls, Chowtra, Guntur, to MPUPS (Urdu), Sattenapalli. Being aggrieved, she filed O.A.No.1060 of 2017 and the same has been dismissed. Hence, this writ petition.

5. Learned counsel for the petitioner submits that in pursuance of the order passed by the Tribunal, since 2001, petitioner has been working in a Govt. School and though no prayer was made by the 7th respondent Mr.Md.Arif to transfer the petitioner, however, the petitioner has been transferred unnecessarily from the said school. He further submits that transferring the petitioner who was working in Govt. School to a Zilla Parishad school is contrary to law.

6. Fact remains that the petitioner who was working as School Assistant (Social) Urdu Medium in MPUP School (Urdu) Vinukonda, Guntur District, was transferred and posted at Government Girls High School, Chowtra, Guntur District vide proceedings dated 30.04.2001 in pursuance of the orders of the Tribunal in O.A.No.7204 of 1997 dated 30.03.2001 and was discharging her duties as such till date. The

parent management of the petitioner is Zilla Parishad School. The 7th respondent herein who was appointed by A.P. Public Service Commission was posted initially in Govt. School and later he was transferred to Zilla Parishad School. While so, he filed O.A.No.2658 of 2013 before the Tribunal seeking to declare that he was entitled to be posted in Govt. Boys High School (Urdu Medium) Guntur, as he belongs to Government management. The learned Tribunal, by order dated 09.12.2015, disposed of the said O.A., in terms of the order passed in O.A.No.6548 of 2015 and batch dated 24.11.2015, directing the respondents to transfer the petitioner therein (7th respondent herein) to his parent management. Accordingly, in view of the order of the Tribunal, Government Memo dated 07.04.2017, proceedings of the Commissioner of School Education dated 07.04.2017 and Note orders of the Collector and District Magistrate, Guntur, the District Educational Officer, Guntur, issued proceedings Rc.No.5412/A6/2013 dated 12.04.2017, repatriating the 7th respondent herein to the Government School, where the petitioner herein was working and the petitioner whose parent management is Zilla Parishad was transferred to MPUPS (Urdu) Sattenapalli.

7. It is note in dispute that the petitioner and the 7th respondent were selected in the year 1997. Petitioner was selected and posted in Z.P. School and the 7th respondent was posted in Government School. Pursuant to the order passed by the Tribunal as mentioned above, she was transferred to Government School from Z.P. School and now,

vide proceedings dated 12.04.2017, in implementation of the order of the Tribunal dated 09.12.2015 in O.A.No.2658 of 2013, she has been transferred back to her parent management.

8. In view of the fact and circumstances, we do not find any illegality or perversity in the order of the Tribunal under challenge and the same is accordingly confirmed.

9. Writ petition is devoid of merits and is accordingly dismissed. No order as to costs. However, as the petitioner was given liberty to make a representation to the authorities for posting her in and around Z.P. Schools at Guntur, it is open for her to do so. On making such representation, the same shall be decided by the respondents within two months there-from.

As a sequel, miscellaneous petitions if any pending in the appeal stand closed.

SURESH KUMAR KAIT, J

ABHINAND KUMAR SHAVILI, J

June 8, 2018
MRR