

**IN THE HIGH COURT OF JUDICATURE, AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF
ANDHRA PRADESH**

HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 25407 OF 2018

DATE : 30.07.2018

Between:

J. Shankar,
Mahabubabad.

.... Petitioner

A n d

The District Tribal Development Officer,
I.T.D.A., Eturunagaram, JS Bhupalapally
District & Nodal Officer (erstwhile Warangal
District), and others.

....Respondents

The Court made the following order:

HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 25407 OF 2018

ORDER:

The petitioner was appointed as a Secondary Grade Teacher on 16.06.1998. He had earlier worked in Tribal Welfare Primary School, S.T. Colony, Redyala. Thereafter, he was transferred to Government Ashram High School (Boys), Redyala, on 13.06.2011.

Consequent to lifting of ban on transfers, the Tribal Welfare Department notified the Telangana Tribal Welfare Department Teachers (Regulation of Transfer) Rules, 2018 (for short, 'the Rules'), in G.O.Ms.No.23, Tribal Welfare (LTR) Department, dated 07.06.2018, to undertake exercise of transfers of teachers. Though the petitioner is working in the same station for more than eight years, he did not apply for transfer in the transfer counselling process and has not opted any place of his choice. As the petitioner has completed more than eight years of service in the same station, he was liable for compulsory transfer. Therefore, the first respondent *vide* impugned proceedings dated 28.06.2018 transferred him to GPS, Hatyathanda. This writ petition is filed alleging that the petitioner was not given chance to choose place of his choice and therefore, the order of transfer should be set aside and to declare that he is entitled to retain at the present place i.e., Government Ashram High School (Boys), Redyala, or alternatively, he is entitled to be posted in one of the places of his preference.

It is not in dispute that the Rules clearly specify that a person who has completed eight years of service at a particular station has to be transferred compulsorily. The Rules enables the teachers to apply for transfer and indicate their choice of posting in

the transfer counselling process. Admittedly, the petitioner has not applied for transfer. He, therefore, cannot complain of the placement given to him.

Learned counsel for the petitioner sought to contend that the petitioner has not applied for transfer on erroneous assumption that he is working in the present school only from 2011, and that as there are vacancies available in the present place i.e., Government Ashram High School (Boys), Redyala, he may be given permission to opt the said place.

After granting certain period for undertaking exercise of transfers, the Government re-imposed ban on transfers. Merely because vacancies are available, the same cannot be a ground to consider the individual request of the petitioner. There may be many others who are also willing to opt for such transfers.

In the circumstances, the writ petition is dismissed leaving it open to the petitioner to apply for transfer whenever ban is removed.

Miscellaneous petitions, if any, pending in this writ petition shall also stand dismissed. There shall be no order as to costs.

P. NAVEEN RAO, J

Date: 30.07.2018
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