

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.30749 OF 2018

DATED :29.08.2018

Between :

Pothula Kalpana (Emp.No.1524089 LPH),
W/o.Adla Govardhan (Emp.No.1523414 SGT),
Aged 39 yrs, Occu : Language Pandit Hindi Teacher,
R/o.7-4-131/A, Vidyanagar,
Karim Nagar, Presently Jagityal District.

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Petitioner

And

The State of Telangana,
Rep., by its Principal Secretary,
School Education Department,
Secretariat, Hyderabad & others.

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Respondents



This court made the following :

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ORDER :

Heard learned counsel for the petitioner and learned Assistant Government Pleader for Services-I for learned Government Pleader for Education.

2. In the transfer counseling exercise undertaken by the Department consequent to lifting of ban on transfers, petitioner exercised option for transfer. According to the petitioner, the first option given by her was Kalleda, Jagityala District. But without considering her request for transfer to Kalleda, she was posted to Jabitapur, Jagityala. Aggrieved thereby, petitioner preferred appeal as prescribed by Rule 16 of the Telangana Teachers (Regulation of Transfers) Rules, 2018 (for short 'the Rules). The said appeal is rejected by the order impugned. Challenging the same this Writ Petition is filed.

3. It is seen from the order impugned that no reasons are assigned why the appeal preferred by the petitioner is rejected. It is a stereotyped order and a tabulated statement is enclosed to the order, simply stating as rejected.

4. When the appellate authority is exercising power under the Rules formulated vide G.O.Ms.No.16 dated 06.06.2018 and undertake transfer exercise, and the Rules create remedy of appeal, the appellate authority is obligated to pass orders by assigning reasons in support of the decision, but cannot pass tabulated statement of order stating as rejected. It would be amounting to abdicating the power. Thus, the order under

challenge to the extent of petitioner is set aside and the matter is remitted to the appellate authority.

5. Accordingly, the Writ Petition is allowed and the appellate authority is directed to consider the appeal on its merits and pass appropriate orders, as warranted by law, by assigning due reasons in support of the decision within two (2) weeks from the date of receipt of copy of this order and communicate the same to the petitioner. Pending miscellaneous petitions, if any, shall stand closed.

29th August, 2018
Rds

P.NAVEEN RAO,J

