

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.33176 OF 2018

Dated:18.09.2018

Between:

K.K. Chakravarthy, S/o. Rammohan Rao,
Age 40 years, Occ: Secondary Grade Teacher,
Presently working at M.P.P.School, Nellipaka
Banjar, Aswapuram Mandal, Bhadradri
Kothagudem District

.. Petitioner

And

The State of Telangana, rep., by its
Principal Secretary, School Education
Department, Secretariat, 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 Assistant Government Pleader for Education.

2. Petitioner is working as Secondary Grade Teacher. When the transfer counselling exercise was undertaken, petitioner was working in Mandal Praja Parishad School, Burgampadu - II. In the transfer counselling exercise, instead of posting petitioner to a place of his choice, he was transferred to Mandal Praja Parishad, Nellipaka Banjar, Aswapuram Mandal. Aggrieved by the said transfer, petitioner preferred appeal to the Director of School Education, Government of Telangana, Saifabad, Hyderabad, the 2nd respondent, on 16.07.2018. By the order impugned, the 2nd respondent rejected the said appeal. Hence, this Writ Petition.

3. A bare perusal of the order impugned would show that a tabulated statement is enclosed to the order and in the last column of the said statement, the decision of the appellate authority is indicated as 'appeal is rejected'. The order does not contain reasons in support of the decision to reject the appeal.

4. Admittedly, remedy of appeal is provided under Rule 16 of the Telangana Teachers (Regulation of Transfers) Rules, 2018 (for short, 'the Rules'), governing the transfer process. While exercising the appellate jurisdiction, the statutory authority has to assign due reasons in support of the decision on considering the appeal preferred against transfer. Otherwise, the very objective of

providing appellate mechanism would be defeated. Hence, I see no justification in rejecting the appeal in a tabulated statement by stating that 'appeal is rejected'. On the said ground alone, the order impugned is liable to be set aside.

5. The Writ Petition is allowed. The order impugned is set aside and the matter is remanded to the 2nd respondent. The 2nd respondent is directed to pass orders by assigning due reasons in support of his decision on consideration of the grounds raised in the appeal within a period of two weeks from the date of receipt of a copy of the order. There shall be no order as to costs. Pending miscellaneous petitions shall stand closed.

Date:18.09.2018
KH

P. NAVEEN RAO, J

