

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE M.GANGA RAO

WRIT APPEAL No.1303 OF 2018

ORDER: (per Hon'ble Sri Justice Sanjay Kumar)

The appellant is the petitioner in W.P.No.27489 of 2018 which was dismissed by a learned Judge of this Court *vide* order dated 06.08.2018. Therein, she challenged the proceedings dated 08.07.2018 of the Regional Joint Director of School Education, Hyderabad, State of Telangana, whereby she was subjected to transfer. Her further prayer was to either retain her in MPPS, Hathnoora, or transfer her to MPPS, Pothireddypalli, Sangareddy, in the existing vacancy by disposing of her representations dated 19.07.2018 and 28.07.2018 favourably.

By the order under appeal, the learned Judge held that no right vested in the appellant-petitioner to claim continuance in the same place, more so, as she had completed more than five years of service in the said location. It is on this basis that the learned Judge dismissed the writ petition.

Heard Sri M.V.Raja Ram, learned counsel for the appellant-petitioner, and the learned Government Pleader for Services-I, State of Telangana, for the respondent authorities.

Learned Government Pleader would fairly state that as the appellant-petitioner is holding the post of Low Female Literacy Head Master, she would not be subjected to compulsory transfer unless she completes eight years of service at a location. He would further submit that as the appellant-petitioner herself opted to participate in the transfer counselling after completion of five years at Hathnoora, she was

transferred to the place chosen by her as third option, i.e., MPPS, Peddapur in Medak District.

Sri M.V.Raja Ram, learned counsel, on the other hand, would state that the appellant-petitioner chose to seek a transfer only on the ground that her husband is working at Sangareddy but, despite a vacancy being available at MPPS, Pothireddypalli, Sangareddy, her request for transfer to that place was not accepted. He would further state that the said vacancy is still available as on date and the authorities may be directed to consider the representations dated 19.07.2018 and 28.07.2018 of the appellant-petitioner in this regard.

Learned Government Pleader states that he has no objection to this course of action being adopted.

The writ appeal is accordingly allowed setting aside the order dated 06.08.2018 passed in W.P.No.27489 of 2018 and directing the Regional Joint Director of School Education, Hyderabad, State of Telangana, to consider the appellant-petitioner's representations dated 19.07.2018 and 28.07.2018 and her subsequent application dated 13.08.2018 on merits and in accordance with law. This exercise shall be completed expeditiously and in any event, not later than two weeks from the date of receipt of a copy of this order.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR,J

M. GANGA RAO, J

Date: 04.10.2018
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