

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.36980 OF 2018

ORDER:

1. With the consent of both the Counsel, this writ petition is being disposed of at the admission stage.

2. This writ petition is filed seeking to issue a writ of Mandamus declaring the action of the 2nd respondent in passing orders dated 19.9.2018 rejecting the appeal of the petitioner thereby confirming the orders passed by the 3rd respondent on 8.7.2018 transferring the petitioner to Government Upper Primary School Boyawada, Nalgonda District, without displaying the vacancy of School Assistant (Bio-Science) available at Government High School Gunj, Bhongir in web options though the petitioner is fully eligible to be transferred in the said vacancy being senior to the 5th respondent, and transferring the 5th respondent vide order dated 8.7.2018 by showing the vacancy of School Assistant (Bio-Science) in Government High School Gunj, as Government Girls High School, as illegal and arbitrary, and consequently, to set aside the order dated 8.7.2018 passed by the 3rd respondent, which was confirmed by the 2nd respondent vide order dated 19.9.2018.

3. Heard Sri K.R. Prabhakar, learned Counsel for the petitioner and the learned Government Pleader for School Education.

4. It has been submitted by the petitioner that he was selected as Secondary Grade Teacher through DSC 1994 and appointment orders were given to him on 30.8.1995 and he was promoted as School Assistant (Bio. Science) in the year 2009 and posted to Government High School, Bagayath, Bhongir Town, Nalgonda District, and while so, during the transfer counseling conducted in the months of June and July, 2018, the respondents have erroneously displayed the vacancy at Bhongir showing that it is a Government Girls High School and consequently, the case of the petitioner was not considered and since the 5th respondent is a female, her request was considered and she was posted in the school at Bhongir, and later on, it was realized that the Government High School at Bhongir is not a Girls High School, and because of the error, the case of the petitioner could not be considered, and the 5th respondent was posted in the said school at Bhongir vide order dated 8.7.2018. Further, it has been submitted by the petitioner that aggrieved by the order dated 8.7.2018, he preferred appeal and the appellate authority vide order dated 19.9.2018 confirmed the order of the 3rd respondent dated 8.7.2018 and rejected the appeal preferred by the petitioner.

5. The learned Counsel for the petitioner contended that because of the mistake committed by D.E.O., in showing the Government High School, Gunj, Bhongir as Girls High School, the case of the petitioner could not be considered and therefore, he submitted a representation to the respondents on 13.7.2018 requesting to give any suitable post in and around Bhongir town and that the petitioner may also be permitted to make another representation to the respondents so as to enable the respondents to consider the same and pass appropriate orders.

6. The learned Government Pleader appearing for the respondents contended that since all the vacancies were filled up and since there is a ban, the case of the petitioner cannot be considered at this stage.

7. This Court having considered the submissions made by the parties, is of the view that ends of justice would be met, if this writ petition is disposed of permitting the petitioner to make another representation and directing the respondents to consider the representations of the petitioner.

8. Accordingly, the Writ Petition is disposed of permitting the petitioner to make another representation to the respondents, within a period of one week from the date of receipt of a copy of this order. On such representation being made, the respondents shall consider the same and also the

representation dated 13.7.2018 and pass appropriate orders in accordance with law, within a period of another four weeks thereafter. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

Dated:11th October, 2018.
Nn.



HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

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11/10/2018

Nn.