

**THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO**

**WRIT PETITION No.37117 of 2018**

**ORDER:**

Heard the learned counsel for petitioner and learned Government Pleader for Services-I appearing for respondents.

2. Petitioner has filed this Writ Petition challenging his transfer from the Government High School, Kummarawadi, Mahabubnagar District to Government High School, Shivaji Nagar, Narayanapet, Mahabubnagar District.

3. Petitioner contends that his seniority list was altered by deleting 10.64 category points and though he approached the 3<sup>rd</sup> respondent, the 3<sup>rd</sup> respondent has not done anything.

4. Petitioner had raised this point in the appeal preferred by the petitioner before the 2<sup>nd</sup> respondent, and the 2<sup>nd</sup> respondent passed an order on 25-09-2018 without dealing with this contention of the petitioner.

5. Learned counsel for petitioner contended that it was incumbent on the part of the 2<sup>nd</sup> respondent to deal with the contention raised by petitioner and the 2<sup>nd</sup> respondent cannot ignore the same.

6. Though learned Government Pleader for Services-I appearing for respondents sought to defend the order passed by the 2<sup>nd</sup> respondent,

he did not dispute the fact that the contention raised by petitioner was not considered by 2<sup>nd</sup> respondent.

7. Though notice before admission was ordered on 11-10-2018, no counter-affidavit has been filed by respondents. It is also not open to the respondents to file a counter-affidavit taking a different stand than what is contained in the order passed by the 2<sup>nd</sup> respondent.

8. Accordingly the Writ Petition is allowed and the 2<sup>nd</sup> respondent is directed to consider afresh the appeal filed by petitioner and deal with the contention raised by petitioner specifically and communicate his decision to the petitioner within four (04) weeks. Posting of the petitioner to Government High School, Shivaji Nagar shall be subject to the fresh order to be passed by 2<sup>nd</sup> respondent. No costs.

9. As a sequel, miscellaneous applications pending, if any, shall stand closed.

**JUSTICE M.S.RAMACHANDRA RAO**

Date: 29-10-2018

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