

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

WRIT PETITION No.38703 of 2018

ORDER:

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

2. Petitioner was appointed as Secondary Grade Teacher in MPPS Thakkadapally, Sangareddy District on 13.11.2000. He was later selected to the post of School Assistant (English) in 2003 DSC on 16.11.2005 and was posted at ZPHS, Rangampet, Kulcharam Mandal, Medak District. Subsequently, he was transferred to ZPHS, Choutakur on 21.07.2009. Petitioner was also commissioned as a NCC Officer on 17.11.2014.

3. Petitioner contends that he had not completed 8 years of service as NCC Officer and is not liable for compulsory transfer as per Telangana Teachers (Regulation of Transfers) Rules, 2018 (for short 'the Rules') notified vide G.O.Ms.No.16 School Education (SCR.II) Department, dt.06.06.2018.

4. Petitioner contends that though he is not liable for compulsory transfer and in the web options given by him, he has selected non-NCC unit school which he is entitled to opt for, the respondents transferred him to ZPHS, Jharasangam on 08.07.2018, which was the last option opted by him to a non-NCC post.

5. Petitioner filed an appeal before the 2nd respondent on 12.07.2018 specifically contending that he had given option of ZPHS,

Digwal, Koheer Mandal, where three vacancies existed, but those three vacancies had been allotted to the petitioner's juniors, who by entitlement points were at Sl.No.236, 239 and 244 when compared to the petitioner who was at Sl.No.162.

6. The 2nd respondent dismissed the said appeal on 03.11.2018 without adverting to this point at all and merely referring to the fact that petitioner was liable for compulsory transfer and he could have been transferred only to a school having a NCC unit.

7. The 2nd respondent has clearly misread clause(5)(4) of the above rules, which require only teachers who have completed eight years of service as NCC Officer to be posted in a vacancy in a school where there is a NCC unit. It implies that a teacher, who has not completed eight years of service as an NCC Officer like the petitioner, is entitled to be posted in a vacancy in a school where there is no NCC unit.

8. The order passed by the 2nd respondent makes no reference to the posting of the petitioner's juniors in the ZPHS, Digwal. Therefore, it is clearly an order passed without application of mind by the 2nd respondent by deliberately misreading rule 5(4) of the Telangana Teachers (Regulation of Transfers) Rules, 2018.

9. Accordingly, the Writ Petition is allowed; the order dt.03.11.2018 passed by the 2nd respondent is set aside; and the respondents are directed to consider the case of the petitioner for transfer to a vacancy of School Assistant (English) in any non NCC Unit schools including in

ZPHS Ameenpur, Ameenpur Mandal, Medak District. No order as to costs.

10. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

M.S.RAMACHANDRA RAO, J

12th November, 2018.

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