

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

Writ Petition No.39579 of 2018

ORDER:

This writ petition is filed seeking a writ of mandamus to declare the action of the 2nd respondent in issuing proceedings dated 28.08.2019 in so far as point No.3 is concerned and in not considering the request for transfer on medical and spouse category in respect of teaching and non-teaching staff within the management and within the District as illegal, arbitrary and contrary to G.O.Ms.No.104 dated 30.01.1978 and to consequently direct the 1st respondent to consider the petitioner's representation dated 01.10.2018.

Heard Ms. K.Nagaveni, learned counsel for the petitioner and learned Government Pleader for School Education.

It has been contended by the petitioner that it is an educational society which runs various educational institutions in the Guntur District. While so, the State Government had issued G.O.Ms.No.104 dated 30.01.1978 fixing certain guidelines for effecting transfers within the same management and within the same District. The grievance of the petitioner is that though it fulfils all the conditions as set out in the said G.O, the respondents are not acceding to the requests of the teaching and non-teaching staff working with the petitioner-society for transfer on mutual grounds, medical grounds and spouse grounds in terms of G.O.Ms.No.104 dated 30.01.1978. It has been further contended that the petitioner submitted a representation to the 1st respondent on 01.10.2018 but so far no orders are passed thereon.

Learned counsel appearing on behalf of the petitioner contends that appropriate directions be given to the 1st respondent to consider

the representation dated 01.10.2018 submitted by the petitioner and pass appropriate orders thereon.

Learned Government Pleader appearing on behalf of the respondents contends that transfers in the middle of the academic year are not permitted and, therefore, at this stage, the question of granting permission to the petitioner to effect transfers in respect of its teaching and non-teaching staff would not arise. Learned Government Pleader submits that the 1st respondent will consider the representation submitted by the petitioner on 01.10.2018 and pass appropriate orders.

This Court, having considered the rival submissions made by the parties, is of the view that the writ petition can be disposed of directing the 1st respondent to consider the representation dated 01.10.2018 submitted by the petitioner and pass appropriate orders within four weeks from the date of receipt of a copy of this order.

With these observations, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous petitions pending, if any, shall stand closed.

02nd November, 2018
JSU

(ABHINAND KUMAR SHAVILI, J)

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI



Writ Petition No.39579 of 2018

Date: 02.11.2018

JSU