HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.45390 of 2018

ORDER:

The petitioner has earlier filed Writ Petition No.20670 of 2018 before this Court, challenging the transfer orders dated 15.06.2018, and this Court, vide orders dated 21.06.2018, was pleased to dispose of the said writ petition with the following observations:

> *"As petitioner is working in Senior Assistant cadre, and the said post is transferable within a zone, his transfer to Wanaparthy cannot be found fault with. In the transfer counselling, various parameters are laid down for considering the respective claims. Merely because petitioner opts to a particular place, it does not automatically mean that it should be granted and be posted to his choice of place disregarding parameters for transfer. Furthermore, as petitioner is working for almost 20 years in Mahabubnagar town, question of his retention in Mahabubnagar town, in any office, cannot be granted. There may be many requests by other employees for posting to Mahabubnagar town and when there are more requests to a place, persons who were long standing in a particular place necessarily be transferred to accommodate the competing claims. Thus, I see no merit in the writ petition. However, having regard to the deformity of petitioner and that his wife is suffering from ailments, it is open to petitioner to make a representation to the Commissioner/ Director of School Education and as and when such application is filed, the same shall be considered. Writ petition is accordingly disposed of."*

In pursuance of the aforesaid orders passed by this Court, the petitioner has submitted a detailed representation to the respondents

on 28.06.2018 and the respondents have rejected the same by order dated 27.11.2018. Challenging the same, the present writ petition is filed.

Heard learned counsel for the parties.

It has been contended by the petitioner that the respondents have rejected the request of the petitioner to retain him at Mahabubnagar without assigning any reasons and without objectively considering the difficulties being faced by the petitioner and contend that the petitioner is a physically impaired person, he is having less than 2 years of service and his wife is suffering with illness and that at the fag-end of his service, he has been transferred to a far off place at Wanaparthy and contend that the said transfer orders dated 15.06.2018 and the consequential rejection orders dated 27.11.2018 are liable to be set aside and the petitioner be continued at Mahabubnagar town.

The learned Government Pleader appearing for respondents contend that the petitioner has worked for more than 19 years of service at Mahabubnagar, and therefore, he was transferred to Wanaparthy.

This Court, having considered the rival submissions of the parties, is of the considered view that the petitioner has rendered more than 19 years of service at Mahabubnagar and the respondents have rightly rejected his case on the ground that one cannot be retained eternally at one particular place. Transfer is incidental to service and until and unless some *malafides* are attributed, Courts should not normally interfere with the orders of transfer. Therefore, this Court is

not inclined to interfere with the transfer orders of the petitioner, as the petitioner has been continued at Mahabubnagar for more than 19 years. There are no merits in the writ petition and the same is accordingly dismissed.

However, after completion of this academic year, the petitioner is at liberty to renew his request before the authorities for posting him at a place nearby Mahabubnagar town.

Pending miscellaneous applications, if any, shall stand closed. No order as to costs.

ABHINAND KUMAR SHAVILI, J

14th December 2018

ajr