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

WRIT PETITION No.39718 of 2017

ORDER:

Heard the learned counsel for petitioner and Sri G.Seena Kumar, learned Standing counsel appearing for respondent Nos.2 to 4.

2. Petitioner in this Writ Petition has assailed the proceedings dt.14-09-2017 of the 3rd respondent according permission for replacement/re-engagement of the petitioner from KGBV, Atchempet to KGBV, Bollapalli, Guntur District purportedly on administrative grounds and to set aside the same.

3. Petitioner was working as CRT (Hindi) in the KGBV, Atchempet, Guntur District on contract basis since 2009. On 29-07-2017, there was a news item in Saakshi Daily newspaper alleging certain irregularities by the staff members of the said KGBV, Atchempet. The 3rd respondent initiated enquiry by appointing Smt.K.Chandrika Rani, GCDO and MEO for conducting enquiry. They visited the KGBV, Atchempet and conducted enquiry on 29-07-2017 after recording the statements from the staff and submitted an enquiry report on the same day.

4. Thereafter the impugned order came to be passed purporting to transfer the petitioner from KGBV, Atchempet to KGBV, Bollapalli, Guntur District allegedly on administrative grounds.

5. Learned counsel for petitioner contends that it was the petitioner who made statement in the enquiry making serious allegations against one K.Lakshmi, who was working as Special Officer in KGBV, Atchempet that she was making the children to wash clothes, give her massage etc. and that even enquiry report did not find anything against the petitioner and her transfer is motivated to accommodate one Srilatha, who is the sister of Project Officer at Atchempet. Learned counsel for petitioner also contends that petitioner belongs to Scheduled Caste community and only to accommodate Srilatha, who is an OC candidate, the transfer is affected, and that the enquiry report itself did not indicate that there was any illegality committed by petitioner when she was working as CRT (Hindi) at KGBV, Atchempet.

6. Counter-affidavit is filed by respondents insisting that petitioner's transfer from KGBV, Atchempet to KGBV, Bollapalli, Guntur District is on administrative grounds and that one T.Seshalatha and not Srilatha was posted in the KGBV, Atchempet. Learned counsel for respondents has also produced the enquiry report submitted by Ms.K.Chandrikarani, GCO and MEO on 29-07-2017, which contained no findings on any irregularities being committed by petitioner at all, though several observations are contained in the report against the Physical Education Teacher and other teachers.

7. If there are no allegations against the petitioner and if other staff are subjected to transfers as mentioned in the counter-affidavit

because of the above report, why petitioner should be shifted from KGBV, Atchempet to KGBV, Bollapalli, Guntur District, is not explained. Obviously, petitioner is being victimized for leveling allegations against Special Officer in the enquiry conducted by the GCDO and MEO. Thus, the transfer, though styled as if it is on administrative grounds, does not appear to be so. It is obviously being made for ulterior motive on pretext that she made complaint against the Special Officer.

8. Accordingly, the Writ Petition is allowed, the order dt.14-09-2017 passed by 3rd respondent is set aside and the petitioner is directed to be posted as CRT (Hindi) in KGBV, Atchempet and the candidate posted in the petitioner's place is directed to be accommodated elsewhere. No costs.

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

JUSTICE M.S.RAMACHANDRA RAO

Date: 12-02-2018
vsv