

**HON'BLE SRI JUSTICE SURESH KUMAR KAIT
AND
HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI**

WRIT PETITION No.45039 of 2017

ORDER: (Per Hon'ble Sri Justice Suresh Kumar Kait)

Vide the present petition, the State challenges the order dated 16.11.2017 passed in O.A.No.2431 of 2017 by the Andhra Pradesh Administrative Tribunal, Hyderabad, whereby application, filed under Section 19 of the Administrative Tribunals Act, 1985, by the respondent has been allowed.

Petitioner submits that, pursuant to an application for transfer counselling on 25.07.2017 for the post of School Assistant (Maths), respondent, who stood at Sl.No.468, attended the counselling and opted M.P.U.P. School, Pitchikalapalem, Savalyapuram Mandal, Guntur District. Accordingly, transfer order dated 25.07.2017 has been issued through online. At that time, the vacancy of School Assistant (Maths), Z.P. High School at Kommuru, Kakumanu Mandal was not displayed due to non-receipt of particulars from the authorities concerned. After completion of counselling, respondent made a representation dated 31.07.2017 to transfer him to Z.P. High School, Kommuru, Kakumanu Mandal as the post of School Assistant (Maths) was vacant. On consideration of his request, the District Educational Officer, Guntur District (petitioner No.3) modified the transfer order and

transferred him to Z.P. High School, Kommuru, Kakumanu Mandal, vide order dated 31.07.2017. Thereafter, respondent joined Z.P. High School at Kommuru, Kakumanu Mandal. The District Educational Officer, Guntur District (petitioner No.3), having learnt that once transfer orders are passed, neither the Committee nor himself could modify them, restored the transfer order which was generated through online by proceedings dated 03.08.2017. The District Educational Officer, Guntur District (petitioner No.3), by passing the order dated 03.08.2017, rectified the inadvertent mistake crept in the modified transfer order dated 31.07.2017. Learned Counsel submits that there is no illegality, much less, any malice in issuing the impugned order dated 03.08.2017. However, the Tribunal ignored all these facts and cancelled the order dated 03.08.2017 and directed that the respondent shall continue at Kommuru as per transfer order dated 31.07.2017.

We note, as per the guidelines, counselling has to be conducted manually instead of through online. As per transfer guidelines, all the vacancies that are available and likely to arrive at the end of month due to retirement etc. shall also have to be displayed through online. Respondent participated in the transfer counselling held on 25.07.2017 and opted for M.P.U.P. School, Pitchukalapalem.

Subsequently, he learnt that another vacancy arose at Kommuru which was not displayed. Consequently, respondent's request was considered and, accordingly, he was transferred to Kommuru vide proceedings dated 31.07.2017. Respondent was relieved and reported for duty at Kommuru on 02.08.2018. However, petitioner No.3 issued proceedings dated 03.08.2017 cancelling transfer orders to Kommuru and posted to MPUP School, Pichukulapalem stating that 'transfer order which was generated through website is restored'.

When the matter came up for hearing on 01.02.2018, we specifically asked the learned Government Pleader for Services (AP) to ascertain whether any representation is pending with the Government seeking transfer to Kommuru. Today, learned Government Pleader submitted a representation dated 01.08.2017 made by Progressive Recognised Teachers Union, A.P, wherein the President raised objection that Kommuru was not displayed in the website. She, however, states that no individual representation has been made to the petitioners seeking posting at Kommuru.

In view of the above, and since there is no representation which will affect posting of petitioner at Kommuru, we find no illegality or perversity in the order of the Tribunal.

The Writ Petition fails and is accordingly, dismissed.

Miscellaneous Petition pending, if any, shall also stand disposed of. However, in the circumstances, without costs.

SURESH KUMAR KAIT, J

ABHINAND KUMAR SHAVILI,J

Dt:14.02.2018
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