

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.235 OF 2019

O R D E R :

This writ petition is filed seeking a writ of mandamus declaring the inaction of the 2nd respondent in considering the representation dated 19.07.2018 submitted by the petitioner for re-considering the transfer of the 3rd respondent from ZPHS, Kyathur to ZPHS Girls (Alampur) inspite of repeated visits made by the petitioner before the 2nd respondent, as illegal, arbitrary and unconstitutional.

Heard Sri C.Hanumantha Rayudu, learned counsel for the petitioner and learned Government Pleader for Services-I.

It has been contended by the petitioner that she was working as School Assistant at ZPHS, Rajole and was transferred to Shanthinagar, Waddepally Mandal, Jogulamba Gadwal District, in the transfer counselling conducted by the respondents. Petitioner contends that in the transfer counselling, petitioner has opted for ZPHS Girls School, Alampur, which is only 10-15 kms away from Kurnool District, but the respondents without considering her case, transferred her to Shanthinagar, Waddepally Mandal. Petitioner further contends that her husband is working in the neighbouring Karnataka State and she has to look after her age old mother-in-law who is residing in Kurnool and who is totally bed ridden. Petitioner further contends that the 3rd respondent is a male teacher and he has been posted at ZPHS, Girls School, Alampur, which is contrary to guidelines and regulations framed by the respondents. Petitioner has filed the present writ petition challenging the posting of 3rd respondent to ZPHS, Girls School, Alampur, instead of petitioner. To that effect, petitioner has submitted a representation dated

19.07.2018 requesting the respondents to consider her case for suitable posting at Alampur.

Learned Government Pleader for respondents contends that the case of the petitioner was considered as per the points to which the petitioner was entitled and, as per the guidelines framed for effecting transfers, petitioner has been transferred to Shanthinagar, Waddepally Mandal, Jogulamba Gadwal District. Since there are no vacancies in Alampur, the case of the petitioner could not be considered. Therefore, contends that no illegality is committed by the respondents and there are no merits in the writ petition and it is liable to be dismissed.

This Court, having considered the rival submissions of both the parties, is of the considered view that the petitioner has no right to seek posting at one particular place. Moreover, this Court normally would not interfere in the matters of transfers until and unless some malafides are attributed. In the instant case, no such malafides are attributed except the difficulties of the petitioner. Therefore, this Court is not inclined to interfere with the transfer of the petitioner and accordingly, the writ petition is dismissed as devoid of merits. There shall be no order as to costs.

Pending miscellaneous applications, if any, shall stand closed in consequence.

ABHINAND KUMAR SHAVILI,J

Date: 21.01.2019

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