

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.2507 OF 2019

ORDER

This writ petition is filed seeking the following relief:

“...to issue a writ, order or directions particularly in the nature of Writ of Mandamus calling for the records pertaining to the impugned proceedings Rc.No. 1848/Trns/ser.IV-2/2015/Appeals, dt. 07-08-2018 along with annexure at serial No.287 of the 1st respondent and set aside the same as illegal, arbitrary, contrary to law, non-application of mind, discriminative in nature as well as contrary to the option exercised by the petitioner, violative of principles of natural justice and ultra virus and consequently directing 1 to 3 respondents to transfer the petitioner in the existing vacancies at the option exercised by the petitioner in his letter dt. 20-07-2018, in the interest of justice and to such other order or orders as this Hon'ble Court may deems fit just and proper in the circumstances of the case.”

Heard Sri M.V.Raja Ram, learned counsel appearing for the petitioner and learned Government Pleader for School Education appearing for the respondents.

It is the case of the petitioner that he joined as School Assistant on 20-10-2009. As per the Government Order, transfer has to be affected to the employees, who have completed eight years of service, and they shall compulsorily attend WEB counselling. The petitioner has exercised his options as (1) ZPHS Yatham, Kodair Mandal (2) ZPHS Kanmanor, Marika Mandal and (3) ZPHS Jatprol. Since the respondents have not displayed the vacancies properly, he was

transferred from ZPHS, Rangapoor, Vangoor Mandal, Mahaboobnagar District, to a far-off place i.e., ZPHS Anagonda of Makthal Mandal. Challenging the same, the petitioner preferred an appeal and the same was rejected *vide* proceedings dated 7.8.2018. Questioning the same, the present writ petition is filed.

Learned counsel appearing for the petitioner submits that since vacancies are available, the case of the petitioner can be considered for transfer as per his choice.

Having regard to the said submission, this Court is of the view that transfer is an incidence of service. The existing vacancies are likely to be filled up in the counseling during the next academic year. Unless and until some irregularity or illegality has been pointed out or any malafides are attributed by the petitioner, this Court is not inclined to interfere with the matter. There are no merits in the writ petition.

Accordingly, the Writ Petition is dismissed. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

14th February, 2019
rkk

