

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION No.7485 of 2019

ORDER:

This writ petition is disposed of at the stage of admission with the consent of both the parties.

This writ petition is filed seeking the following relief :-

“.... to issue a Writ of Mandamus calling for the records relating to the impugned Proc RC.No.1848/ Trans/ Ser.IV-2/ 2015/ Appeals-Hyd and Wgl., dated 25.09.2018 issued by the 3rd respondent and Proc RC No.2214/ B1/ 2018 dt.08.07.2018 of the 1st respondent rejecting petitioner statutory appeal and transferring him to a far off place about 200 Kms mechanically is illegal arbitrary unjust and set said the same and consequently direct the respondents to consider the case of the petitioner for modification of posting in any of the near existing or arising vacancies like ZPHS Pudur, Medchal Mandal, Ranga Reddy District as School Asst. (Maths) etc., on medical and humanitarian grounds with all consequential benefits....”.

Heard Mr.N.Jaganadham, learned counsel for petitioner and the learned Government Pleader for Services-I.

It has been contended by the petitioner that he is working as School Assistant (Maths) at ZP.High School, Marapally, Ranga Reddy District. He is having 18 years old son, who is suffering from Urological problem. The respondents have not considered his case in the transfer counselling in terms of preferential categories and have mechanically rejected his case for posting to a near place where the petitioner has opted. Earlier, he was working as Senior Assistant (Maths) at Qutubullapur and the request of the petitioner to retain him anywhere in and around Qutubullapur was not considered and he was transferred to a far off place at Marapally. Aggrieved thereby, the petitioner has preferred an appeal before

the 3rd respondent. The 3rd respondent without assigning any reasons has rejected his appeal vide order dated 25.09.2018.

Learned counsel for the petitioner has contended that the case of the petitioner deserves to be considered in terms of Rule 8 of G.O.Ms.No.16 dated 06.06.2018, but the respondents have not considered his case. Therefore, appropriate orders be passed in the writ petition directing the respondents to consider the case of the petitioner for the next academic year for an appropriate posting in and around Hyderabad by duly taking into account the condition of the petitioner's son, who is suffering from Urological problem.

Learned Government Pleader appearing for respondents has contended that the petitioner was subjected to transfer in the transfer counselling held in the month of July, 2018. The appeal preferred by the petitioner was rejected on 25.09.2018 and thereafter the petitioner has approached this Court. When once the petitioner has joined duty in the transferred place, he cannot turn around and say that his case was not properly considered. Therefore, there are no merits in the writ petition and the same is liable to be dismissed.

This Court, having considered the rival submissions, is of the considered view that a perusal of Rule 8 of G.O.Ms.No.16 dated 06.06.2018 would disclose that the employees, whose children are suffering from certain medical ailments, are entitled to be given certain preferential treatment. Admittedly, in the instant case, the respondents have not considered the case of the petitioner in terms of Rule 8 of G.O.Ms.No.16 dated 06.06.2018.

Therefore, this writ petition can be disposed of directing the petitioner to submit a fresh representation to the respondents within

two weeks from the date of receipt of a copy of this order. Upon such representation being received, the respondents shall consider the case of the petitioner for the next academic year for an appropriate posting by duly taking into account the health condition of the petitioner's son, who is suffering from Urological problem, and pass appropriate orders in accordance with law.

With the above observations, the writ petition is disposed of.
No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVIL, J

Date: 09-04-2019
Prv



