

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.8591 of 2019

ORDER:

This Writ Petition is being disposed of at the admission stage with the consent of both the parties.

2. This Writ Petition is filed seeking a Writ of Mandamus declaring the action of the 1st respondent in transferring the petitioner to Z.P.H. School, Wadlakonda, Parvathagiri Mandal, vide proceedings, dated 08-07-2018, despite certain vacancies are available at the petitioner preferred places viz., Mammanoor Camp, Siddapur, Dharmaram etc contrary to the Rules and G.O.Ms.No.16, dated 16-06-2018 and in not passing orders rectifying the mistake at their end, in spite of the proceedings, dated 08-10-2018, issued by the 2nd respondent admitting that the petitioner falls under preferential category, while implementing the said proceedings dated 08-10-2018, in a similar case, as per the orders of this Court dated 31-10-2018 in W.P.No.39124/2018, as illegal, arbitrary, discriminatory and unjust and sought consequential direction to the respondents to post the petitioner in any one of the existing vacancies at Z.P.H.School, Mammanoor Camp, Siddapur, Dharmaram etc with all consequential benefits.

3. Heard Sri M.Ramgopal Rao, learned counsel for the petitioner and the learned Government Pleader for Services-I, appearing for the respondents.

4. The petitioner contends that she is working as School Assistant and while she was working at ZPH School, Chintagattu, Warangal Urban, she has completed eight years of service and as per G.O.Ms.No.16, dated 16-06-2018, the petitioner is under the category of compulsory transfer. The petitioner further submits that her husband underwent heart surgery and she is also suffering from cancer and as per the Transfer Rules contained in the said G.O., she falls under preferential category, but the respondents have not considered her case under preferential category and effected transfer to a far off place at ZPH School, Wadlakonda,, vide proceedings dated 08-07-2018. She has preferred an appeal before the 2nd respondent-appellate authority, and the 2nd respondent vide orders, dated 08-10-2018, directed the 1st respondent to take further necessary action and consider her case. The grievance of the petitioner is that though the 2nd respondent passed orders on the appeal preferred by the petitioner on 08-10-2018, the 1st respondent is not considering her case for transferring to any place nearby Mammanoor Camp, Siddapur, Dharmaram etc in the existing vacancy.

5. Learned Government Pleader for Services-I, appearing for the respondents, submits that the 1st respondent will consider the case of the petitioner by duly taking into account the proceedings issued by the 2nd respondent-Director of School Education, Hyderabad, and pass appropriate orders in accordance with law.

6. Accordingly, the Writ Petition is disposed of directing the 1st respondent to consider the case of the petitioner for transferring

her to any place nearby Mammanoor Camp, Siddapur, Dharmaram etc in the existing vacancy under preferential category by duly taking into account the proceedings issued by the 2nd respondent-Director of School Education, Hyderabad, preferably, before the end of this academic year. No costs.

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

JUSTICE ABHINAND KUMAR SHAVILI

Date: 23-04-2019
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