

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.9141 OF 2019

ORDER

This writ petition is filed seeking the following relief:

“...to issue a writ or order, orders or directions particularly one in the nature of Writ of Mandamus to declare the action of the respondents into declare the action of the respondents in issuing the transfer proceedings RC.No.2532/A1/ZP/Govt/2018-7, dated 02-08-2018 and transferring the petitioner in the left over vacancy i.e., MPPS Muppanapelly, MP Eturunagaram which is 110 km away, without giving any opportunity to participate in transfer counselling and without giving any option for correction of the uploaded transfer application as is illegal, arbitrary and unconstitutional and consequently declare that the applicant is entitled for transfer to any near available vacancies more particularly stated in his representation dated 07-08-2018 to The Commissioner and Director of School Education and to pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstance of the case and pass such other order or orders as this Hon'ble Court may deem fit and proper.”

Heard Sri A.V.V.S.Bhujanga Rao, learned counsel appearing for the petitioner, learned Government Pleader for Services-I appearing for the respondents.

It is the case of the petitioner that he is working as Secondary Grade Teacher in MPPS Weavers Colony, Mutugh Post, Jaishankar Bhupalpally District. Since he has completed eight years of service, he is compulsorily transferable.

However, as the respondents have not shown the vacancies in the transfer counselling, the petitioner could not exercise his option properly. Thereafter, *vide* proceedings dated 02.08.2018, the respondents have transferred the petitioner to M.P.Primary School, Muppannapally, MP Eturunagaram, Jaishankar Bhupalpally District, which is a far away place. Hence, he submitted a representation to the second respondent on 07.08.2018, but, so far, no orders have been passed thereon.

Learned counsel appearing for the petitioner submits that appropriate orders be passed directing the 2nd respondent to consider the said representation dated 07.08.2018 submitted by the petitioner.

Learned Government Pleader appearing for the respondents submits that the petitioner never preferred any statutory appeal as per the Rules; that he participated in the transfer counselling and is transferred to one of the opted place; that now, the petitioner cannot turn around and state that he has been transferred to a far away place; and that the case of the petitioner would be considered and appropriate orders would be passed on the said representation in accordance with law.

Having considered the rival submissions made by the learned counsel on either side, this Writ Petition is disposed of directing the respondents to verify as to whether the petitioner submitted the representation dated 07.08.2018 and if he submitted the representation, then consider the same and pass appropriate orders, in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

26th April, 2019
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