

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.12334 of 2019

ORDER:

With the consent of both parties, the Writ Petition is disposed of at the admission stage.

This writ petition is filed seeking a Writ of Mandamus declaring the action of the respondents in not posting the petitioner either in MPPS, Narsingabhatla of Nalgonda Mandal, or any other Primary School in Nalgonda Mandal in view of her health, as arbitrary, illegal, unilateral, unconstitutional, against the principles of natural justice and violative of Articles 14 and 16 of the Constitution of India and sought for a further direction that the 2nd respondent shall consider and pass appropriate orders in pursuance of the Orders passed by the 1st respondent in Memo No.2195/Ser.II/A1/2019, dated 17.04.2019 for posting her in Primary School, Narsingabhatla in Nalgonda Mandal.

Heard Sri M.Srinivasa Rao, counsel for petitioner, and the learned Government Pleader for Services-I.

It has been contended by the petitioner's counsel that the petitioner is working as a Secondary Grade Teacher with the respondent. During the year 2009, she worked in Warangal District and thereafter she was transferred to Nalgonda District and she has completed required number of years in Naddivarigudem and needs to

be compulsorily transferred in terms of the transfer policy. Petitioner participated in the Transfer Counseling and she was given a posting order to serve at MPPS, Rajavaram of Tirumalgiri Mandal, which is a remote place. Petitioner is suffering with Bone TB and not in a position to discharge her duties properly at the transferred place. In these set of circumstances, the petitioner preferred an appeal to the 2nd respondent and the 2nd respondent instead of adjudicating the appeal on merits, referred the case of the petitioner to the Government and the Government vide memo, dated 17.04.2019, had directed the 2nd respondent to pass appropriate orders in accordance with rules. The grievance of the petitioner is that though the Government has directed the 2nd respondent to dispose of the appeal, the 2nd respondent is not passing any orders on the appeal preferred by the petitioner. Therefore, the learned Counsel for the petitioner submits that appropriate orders be passed in the Writ Petition directing the 2nd respondent to pass appropriate orders on the appeal preferred by the petitioner.

Learned Government Pleader appearing for the respondents submitted that the 2nd respondent would consider the appeal preferred by the petitioner and appropriate orders would be passed in accordance with law.

Having considered the rival submissions made by the parties, this Court is of the view that the 2nd respondent/appellate authority can

be directed to dispose of the appeal preferred by the petitioner within a period of six weeks from the date of receipt of a copy of this order.

Accordingly, the Writ Petition is disposed of. No costs.

Pending miscellaneous applications, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

04th July, 2019
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