

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.13607 of 2019

ORDER:

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

This Writ Petition is filed for the following relief:

“.....Writ of Mandamus declaring the action of the respondent in not considering his case for posting nearby Medak District, where there are clear vacancies as, illegal, arbitrary, unconstitutional, violative of Article 14, 16 and 21 of Constitution of India and consequently direct the respondents to consider the case of petitioner for transfer to Medak, Medak District.....”

Heard Sri Pratap Narayan Sanghi, learned counsel for the petitioner and learned Government Pleader for Services-I.

It has been contended by the petitioner that he is working as Secondary Grade Teacher and has been discharging his duties to the satisfaction of his superiors and everyone concerned. While so, during the transfer counseling, petitioner has erroneously opted for Kothapally at Narayanked Mandal instead of Kothapally at Papannapet Mandal, Medak District. Therefore, the petitioner made an application to the respondents requesting to post him at Papannapet Mandal. Since the respondents have not considered his case, the petitioner had preferred an appeal in accordance with statutory Rules and G.O.Ms.No.61 dated 24.05.2018 and the appellate authority vide order dated 08.08.2018 rejected the appeal preferred by the petitioner on the ground that the post in Papannapet Mandal

has already been filled up with some other candidate in transfer counseling.

Learned counsel for the petitioner contends that petitioner has been requesting the authorities to consider his case for posting in or around Medak town in Medak District as he was suffering with paralytic stroke and his son is a mentally retarded child. But the respondents have not considered the request of the petitioner. As such, the petitioner preferred an appeal before the appellate authority and the appellate authority vide order dated 08.08.2018 rejected the appeal stating that the post at Papannapet Mandal has already been filled up with some other candidate. Learned counsel further contends that the appellate authority ought to have considered the case of the petitioner in the right spirit for posting him in or around Medak town, Medak District instead of rejecting it mechanically. Therefore, he contends that appropriate orders be passed in the writ petition directing the respondents to consider the case of the petitioner for posting in or around Medak town, Medak District in the interest of justice.

Learned Government Pleader submits that if petitioner submits a representation to the respondents, the respondents would consider the case of the petitioner and pass appropriate orders in accordance with law.

This Court, having regard to the rival submissions made by the parties, is of the considered view that the writ petition can be disposed of directing the petitioner to submit a fresh

representation to the respondents within a period of two weeks from today and upon such representation being received by the respondents, the respondents shall consider and pass appropriate orders in accordance with law, in another four weeks thereafter.

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

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

ABHINAND KUMAR SHAVILI, J

04.07.2019
dv

