

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.46881 of 2018

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 a Writ of Mandamus to call for the records relating to issuance of the impugned proceedings, dated 19.09.2018, of the 2nd respondent, and declare the same as illegal, arbitrary and unjust, insofar as it relates to the petitioner for rejecting her appeal for posting her in the vacancies available in Ayyavaripalli, Wanaparthy District, or Rajapur, Nagar Kurnool District, and set aside the same; and sought a consequential direction to the respondents to post the petitioner in a clear vacancy available in ZPHS, Ayyavaripalli, Wanaparthy District, or ZPHS, Rajapur, Nagar Kurnool District, by duly modifying the transfer orders dated 08.07.2018 insofar as it relates to the petitioner.

Heard Sri K.Ram Reddy, counsel for petitioner and the learned Government Pleader for Services-I.

It has been contended by the petitioner that earlier she was working as a School Assistant in Makthal, Mahaboobnagar District, and as she has completed 9 years of service, she was to be transferred compulsorily in terms of the Transfer Policy and accordingly, the petitioner has participated in the Transfer Counseling. The grievance of the petitioner is that at the time of counseling, the respondent-

authorities have not displayed the vacancy position properly and thereby the petitioner could not opt for Ayyavaripalli in Wanaparthi District, and Rajapur, Nagar Kurnool District and as such the petitioner was transferred to ZPHS, peddakadumur, Narwa Mandal of Mahabubnagar District. When the petitioner came to know that some of the places were not notified in the transfer counseling, she preferred an appeal to the appellate authority against the transfer orders, dated 08.07.2018, but the appellate authority has rejected her appeal vide impugned Order, dated 19.09.2018, without appreciating any of the contentions raised by her.

Learned Counsel for the petitioner submits that even as on today, since there are clear existing vacancies in Ayyavaripalli, Wanaparthi District and also at Rajapur, Nagar Kurnool District, the case of the petitioner can be considered in any of these two places. Therefore, learned Counsel for the petitioner submits that appropriate orders be passed in the Writ Petition directing the respondents to consider the case of the petitioner for posting her either in Ayyavaripalli of Wanaparthi District, or Rajapur of Nagar Kurnool District, in the interest of justice.

On the other hand, the learned Government Pleader appearing for the respondents submitted that if the petitioner submits a representation, the same would be considered and appropriate orders would be passed in accordance with law.

This Court, having considered the rival submissions made by the learned Counsel for the respective parties, is of the considered view that the Writ Petition can be disposed of, directing the petitioner to submit a fresh representation within a period of two weeks from the date of receipt of a copy of this order and upon such representation being received, the respondents shall consider the same and pass appropriate orders in accordance with law within a period of four weeks thereafter.

Pending miscellaneous applications, if any, shall stand closed.

No order as to costs.

ABHINAND KUMAR SHAVILI, J

04th July, 2019

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