

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.46990 of 2018

ORDER:

This writ petition is filed seeking a Writ of Mandamus to declare the action of the respondents in not considering the claim of the petitioner for transfer without showing all the vacancies in the counselling and the impugned proceedings Rc.No.,1848/Trans/ Ser.IV-2/2015/Appeals-4, dated 7.8.2018 issued by the 2nd respondent wherein the claim of the petitioner for posting in the existing vacancy is rejected, as illegal, arbitrary, unconstitutional and in violation of principles of natural justice and contrary to the instructions issued by the Government and set aside the said orders. A consequential direction is also sought to the respondent No.2 to re-consider the claim of the petitioner for posting him in one of the existing available vacancy.

Heard Sri A.Ravinder, learned counsel for petitioner and the learned Government Pleader for Education appearing for the respondents.

It has been contended by the petitioner that he is fully eligible and qualified to opt his choice of place in the counselling that had been taken place during May and June, 2018 but the respondents have violated the statutory rules and not considered the case of the petitioner for transfer.

Learned counsel for the petitioner contended that there are

a representation/appeal to respondent No.2 to consider his claim in the above vacant place. Though the said vacancy is available, the respondent No.2 rejected his appeal vide proceedings dated 7.8.2018, therefore, contended that appropriate orders be passed directing the respondents to transfer the petitioner in the existing available vacancy.

Learned Government Pleader appearing for the respondents contended that the petitioner has not completed eight years of stay at the present place and as per the option exercised by the petitioner, his case would be considered as per his turn since there were 179 persons along with the petitioner seeking transfer.

This Court, having considered the rival submissions of the parties, is of the considered view that since the petitioner has not completed eight years of service at his present place and his turn did not come up for consideration in the counseling, his case for transfer was rightly rejected by the appellate authority. Hence, there are no merits in the writ petition and it is liable to be dismissed.

Accordingly, writ petition is dismissed. No order as to costs.

Miscellaneous petitions pending if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

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