

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.46974 of 2018

ORDER:

This writ petition is filed seeking a Writ of Mandamus declaring the action of the respondents in not transferring and posting the petitioner in any one of the Government High Schools, Karimnagar as per his entitlement points during the transfer counseling as per transfer rules issued *vide* G.O.Ms.No.16 dated 6.6.2018 and further retaining the petitioner at present School in the transfer orders dated 8.7.2018 issued by respondent No.2 and consequently rejecting the appeal of the petitioners by the respondent No.3 in proceedings dated 19-10-2018, as illegal, null and void. A consequential direction is also sought to the respondents to transfer and post the petitioner in any one of the Government High Schools, Karimnagar.

Heard Sri Ch.Jagannatha Rao, learned counsel for the petitioner and learned Government Pleader appearing for the respondents.

It has been contended by the petitioner that his name was shown at Sl.No.1 in the seniority list as he secured highest entitlement points. There is a clear existing vacancy in Government High School, Karkhanagadda, Karimnagar town. The grievance of the petitioner is that the respondents have issued impugned orders depriving his legitimate right for transfer and they are not considering his case for transfer, though he was shown at Sl.No.1 in the seniority list. It has been further contended that appropriate orders be passed directing the respondents to transfer the petitioner in the existing vacancy in the

above said School, as per law or in any other vacancies available in and around Karimnagar town, as injustice has been done to the petitioner in the transfer counseling.

Learned Government Pleader appearing for the respondents has contended that the case of the petitioner will be considered in the ensuing transfer counselling of this academic year and the question of transferring the petitioner in the middle of the academic year is not feasible and the writ petition may be dismissed.

This Court, having considered the rival submissions of the parties, is of the considered view that this Court cannot interfere in respect of transfers until and unless some *mala fides* are attributed, more particularly, in the middle of the academic year. It is needless to say that it is open for the respondents to consider the case of the petitioner whenever counselling is taken place, since this Court is not inclined to interfere with the impugned orders and to direct the respondents to transfer the petitioner in the existing vacancy.

With these observations, the writ petition is dismissed. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

2nd January, 2019
Slk

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Date:02/01/2019

slk

