

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.47851 of 2018

ORDER:

This writ petition is filed seeking the following relief :

“ to issue Writ, Order or direction particularly one in the nature of Writ of Mandamus declaring action of the respondent No.2 in not considering the case of the petitioner for transfer to a nearby school for reasons stated in the appeal and rejecting the same though a vacancy is existing at ZPHS Urkondapeta, Midjil Mandal, Mahabubnagar District vide Rc.No.1848/Trans/Serv.IV-2/2015/.Appeals-Hyd&War, dated 10.8.2018 issued by the 2nd respondent, retaining the petitioner without considering his request in Appeal, as illegal, without jurisdiction, violative of Article 14 of the Constitution of India and consequently set aside the same by directing the respondents to consider the petitioner for transfer to ZPHS, Urkondapeta, Midjil Mandal, Mahabubnagar District or any other nearby place”.

Heard Sri S.Rahul Reddy, 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 existing available vacancies, wherein the case of the petitioner can be considered for transfer. Aggrieved by the action of the authorities in not considering the petitioner in the vacancy available at ZPHS, Urkondapeta, Midjil Mandal, he submitted a

representation/appeal on 16.7.2018 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 8.10.2018, 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.

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 appeal requesting 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

Date: 02/01/2019
Slk

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