

**HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI**

**W.P.Nos.36018, 36536, 36540, 36546, 36547, 36552 and 36559 of 2021**

**COMMON ORDER:**

All these Writ Petitions are being disposed of by way of common order as the issue raised in all these Writ Petitions is one and the same.

2. Heard Sri Poodattu Amarender, learned counsel for the petitioner in W.P.No.36018 of 2021, Sri Avinash Desai, learned counsel for the petitioners in W.P.Nos.36536, 36540, 36546 and 36552 of 2021, Sri M.Vigneswar Reddy, learned counsel for the petitioner in W.P.No.36547 of 2021, Sri S.Krishna Sarma, learned counsel for the petitioner in W.P.No.36559 of 2021 and the learned Government Pleader for School Education, appearing for respondents in all the Writ Petitions.

3. For the sake of convenience, the facts in W.P.No.36018 of 2021 are hereunder discussed.

4. It has been contended by the petitioner that she is initially recruited as School Assistant and the petitioner is placed at serial No.15 in the list of seniority and she originally belongs to Mahabubnagar District. The petitioner was working at ZPHS – Burgula, Farooq Nagar Mandal and at the relevant point of time, the said Burgula place was coming within the Mahabubnagar District

and subsequently Farooq Nagar Mandal has also been included in the Ranga Reddy District (Part).

5. Learned counsel for the petitioner has contended that the petitioner opted several options for allotment in accordance with Presidential Order (PO) vide G.O.Ms.No.317 dt.06-12-2021 and she has opted Ranga Reddy District as the first option and the least preferred option was Jogulamba Gadwal District. Learned counsel for the petitioner has contended that the respondents were to allot candidates strictly in accordance with the Rules of Appendix annexed to G.O.Ms.No.317 dt.06-12-2021 which clearly states that the Allotment Committee concerned shall scrutinize the preferences submitted by the employees and prepare the allotment list in respect of each local cadre keeping in view the provisions of paragraph 4 of the PO-2018 and in case, more preferences are received than the number of posts available, the allotment shall be made basing on seniority.

6. Learned counsel for the petitioner has further contended that at the time of allotment by the Allotment Committee, the seniority of the petitioner was incorrectly reflected and the person who is placed at Sl. No.158 was considered for Ranga Reddy District ignoring the case of the petitioner. He has further contended that the purpose of allotment itself is defeated, if the allotment is not based on the seniority. The Rules as appended to the said G.O. makes it very clear that the allotment has to be made strictly in accordance

with seniority wherever there are more than the number of requests for allotment of the particular District. Admittedly, in the instant case, the person who is in Sl.No.158 was accommodated at Ranga Reddy District ignoring the case of the petitioner who stand in the list at Sl No.15.

7. Learned counsel for the petitioner has further contended that the petitioner has submitted a detailed representation to the 1<sup>st</sup> respondent i.e. District Educational Officer on 22-02-2021 requesting to re-look into the entire issue and reconsider the case of the petitioner for allotment to Ranga Reddy District based upon the seniority of the petitioner. He has further contended that the State Government has issued Memo dt.22-12-2021 wherein an appeal can be given in the format prescribed along with copy of allocation proceedings to the District Head of the Department for District Cadres and to Head of the Department for Zonal and Multi Zonal Cadres. The District Head of the Department or Head of the Department, as the case may be, shall compile all these applications and submit to the Secretary concerned so as to enable the Secretary concerned to deal with the grievances of the petitioner in terms of the clause 27 of the Rules appended to the G.O.Ms.No.317 dt.06-12-2021.

8. Learned counsel for the petitioner has further contended that the petitioner has submitted representation on 22-12-2021 whereas the prescribed format of appeal has been released only on

23-12-2021 and the petitioner could not submit a representation in the prescribed format as the petitioners have submitted representation one day before the release of final format of filing an application.

9. Be that as it may, now the petitioner has submitted representation to the District Educational Officer on 22-12-2021, let the District Education Officer forward the same to the State Government and let the State Government reconsider the case of the petitioner and allot the allotment of District as per the seniority of the petitioner in accordance with the first option exercised by the petitioner and pass appropriate orders in accordance with law.

10. Learned counsel for the petitioner has further contended that the case of the petitioner was ignored only on the clerical error occurred by the Allotment Committee as the seniority of the petitioner was not properly considered. If only the respondents consider the seniority of the petitioner, the case of the petitioner would have been allotted to the first option opted District.

11. Learned counsel for the petitioner in W.P.No.36559 of 2021 has contended that the case of the petitioner was not considered as per the seniority list and apart from that the petitioner is suffering from Cancer and as per appendix appended to G.O.Ms.No.317 dt.06-12-2021, at clause 22 of the said appendix, it would clearly state that subject to administrative needs and ensuring balanced

composition of local cadres, preferences given by the following special categories of employees may be accommodated as far as practicable, regardless of seniority, on submission/uploading of the required documentary evidence in support of their claim. The medical grounds for the following diseases in the below given order of priority wherein, cancer is also listed as one of the priorities. But the case of the petitioner was not considered even on the seniority as well as medical grounds and that the petitioner has submitted a representation to the respondents bringing to the notice of the respondents for non-consideration of his case based on the seniority as well as medical grounds. Therefore, he has further contended that let the respondents re-consider the case of the petitioner in terms of seniority as well as medical grounds and pass appropriate orders.

12. Learned Government Pleader for School Education appearing for the respondents has contended that the petitioners have submitted representations to the District Educational Officer. The District Educational Officer, in turn, will forward the representations/appeals of the petitioners to the State Government and the State Government shall examine the cases of the petitioners afresh and reconsider all the cases of the petitioners by duly taking into account the actual seniority of the petitioners/medical grounds and any other grievances in terms of the guidelines set out in the appendix in G.O.Ms.No.317 dt.06-12-2021.

13. Having regard to the rival submissions made by the parties, this Court is of the considered view that the District Educational Officer is directed to forward the representations/appeals of the petitioners in all the Writ Petitions to the State Government and the State Government shall examine the cases of the petitioners afresh and reconsider all the cases of the petitioners based upon the seniority, medical grounds and any other grievances to their respective options in the order of preferences in terms of the guidelines set out in the appendix in G.O.Ms.No.317 dt.06-12-2021. The above whole exercise indicated by this Court should be accomplished by the respondents within three days from today i.e. on or before 30-12-2021 itself.

14. With the aforementioned directions, all the Writ Petitions are disposed of. No costs.

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

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**JUSTICE ABHINAND KUMAR SHAVILI**

Date: 27-12-2021

Note:-

Issue C.C. by tomorrow.

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