

THE HONOURABLE SMT JUSTICE V. SUJATHA

WRIT PETITION No.19107 of 2023

ORDER:-

The writ petition is filed by the petitioner under Article 226 of the Constitution of India seeking the following relief:

"...to issue a Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents in transferring the petitioner from M.P.Ele.School, Garikivaasa, Gurla Mandal, Vizianagaram District to MPP School, Golla Valasa, Kurupam Mandal, Parvathipuram, Manyam District without considering the fact that a) the petitioner has foregone his seniority in Second Grade Teacher (SGT) cadre in Ananthapur District and opted for Spouse Ground, b) and he was transferred to M.P.Ele. School, Garikivaasa, Gurla Mandal, Vizianagaram District on 13.05.2022 where he is the junior most person, c) removing the post in rationalization and transferred the petitioner to the present work location which is more than 125 km away, d) blocking almost 812 vacant posting locations during general transfers and e) without giving any priority to the petitioner, who have lost all the points because of Inter District Transfer on Spouse ground, f) without considering the petitioner representation dated 17.06.2023 and 20.06.2023 though there are many vacancies near to the petitioners spouse is violation of legitimate expectation and illegal, arbitrary, violation of fundamental rights guaranteed under Articles 14,16 and 21 of Constitution of India and consequently set aside proceedings Rc.No.SPL/VIZIANAGARAM/2023, dated 11.06.2023 and direct the respondents to consider the request of the petitioner to post him near to his spouse among the existing vacancies as shown in Annexure-I.."

2. The case of the petitioner is that the petitioner being a resident of Vizianagaram District and joined as a Secondary Grade Teacher on 01.06.2016 in Ananthapur District and thereafter he got married with Smt.Anuradha, who is working as Mahila Police at SSR Peta, Gurla Mandal, Vizianagaram

District, he applied for inter District transfer from Ananthapur District. The respondents have accepted the request of the petitioner along with others and issued G.O.Ms.No.60, School Education (Ser.II) Department, dated 19.04.2022 and G.O.Ms.No.65, School Education (Ser.II) Department, dated 28.04.2022 and the District Educational Officer, Ananthapur District relieved the petitioner on A.N. of 13.05.2022 and the petitioner reported to the 3rd respondent on F.N. of 15.05.2022.

3. It is further submitted that the petitioner's wife is working in 11 kms away from the initial posting of the petitioner in Vizianagaram District and thereafter the petitioner was transferred from MPPS Garikavalasa to MPPS, Gollavalasa, which is about 125 kms away from the place of the working of the petitioner's wife. The main grievance of the petitioner is that the petitioner, having opted on spouse ground, has foregone his seniority in secondary grade teacher (SGT) cadre in the earlier place at Ananthapur District and presently transferred place is 125 kms far away from the work place of his spouse, as such, the petitioner submitted representations, dated 17.06.2023 and 20.06.2023 requesting

the respondent authorities to reconsider his transfer to any nearby place of the working place of his spouse.

4. In view of the fact that the representations, dated 17.06.2023 and 20.06.2023, made by the petitioner has already been under consideration, without going into merits of the case, this Court deems it appropriate to dispose of the writ petition directing the 5th respondent to pass appropriate orders in accordance with law, within a period of two weeks from the date of receipt of a copy of this order.

5. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions pending, if any, in this writ petition shall stand closed.

SMT JUSTICE V. SUJATHA

Date: 03.08.2023

SPP

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Dated 03.08.2023

SPP