

THE HONOURABLE SMT JUSTICE V. SUJATHA

WRIT PETITION No.19267 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 MPUP School, Bendivanipenta, Srikakulam Rural Mandal, Srikakulam District to M.P.P. School, Donkuru, Ichapuram Mandal, Srikakulam District without considering the fact that a) the petitioner has foregone his seniority in Second Grade Teacher (SGT) cadre in Chittoor District and opted for Spouse Ground, b) and he was transferred to M.P.U.P. School, Bendivanipenta, Srikakulam Rural Mandal, Srikakulam District on 13.05.2022 where he is the junior most person, and c) removing the post rationalization and transferred the petitioner to the present work location which is more than 140km away, by 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 23.06.2023, though there are many vacancies near to the petitioner's spouse is violation of legitimate expectation and illegal, arbitrary..”

2. Heard learned counsel for the petitioner and learned Government Pleader for Services III appearing for the respondents.

3. The case of the petitioner, in brief, is that the petitioner is resident of Srikakulam District and joined as Second Grade Teacher in Chittoor District on 01.06.2016. Subsequently, after the marriage of the petitioner, considering the request made by the petitioner and some others, the respondents 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 transferring total 187 teachers under spouse quota, in which the petitioner is at serial number 123. Pursuant to the said orders, the petitioner was relieved on 13.05.2022 and reported to the 3rd respondent on F.N. of 15.05.2022.

4. The grievance of the petitioner is that out of the few available options, without having complete details of the schools, the petitioner has chosen and joined in MPUP School, Bendivanipenta, Srikakulam Rural Mandal, Srikakulam District on 15.05.2022 forgoing his 06 years seniority (i.e. from 01.06.2016). Whereas the respondents, without giving any priority to the teachers who were transferred under spouse quota pursuant to the above said G.Os.60 and 65 and without considering the fact that the petitioner has relinquished his seniority in Second Grade Teacher cadre in Chittoor District and opted for spouse ground, issued the impugned proceedings in Rc.No.SPL/SRIKAKULAM/2023 dated 10.06.2023 and mechanically transferred the petitioner to M.P.P. School, Gollavalasa, which is 140Km away from the place where his spouse is working. Keeping all these facts, the petitioner also submitted representations on 17.06.2023 and 23.06.2023 requesting the respondents to consider petitioner's request for any vacant place existing near to his wife, , who is working as S.G.T. at M.C.E. School, Patha Srikakulam. However,

there is no action on the part of the respondents. Hence, the present Writ Petition.

5. Learned Government Pleader, on instructions, has submitted that the petitioner's representations are under consideration.

6. Considering the submissions made by both the counsel and in view of the fact that the representations, dated 17.06.2023 and 23.06.2023 made by the petitioner are already been under consideration, without going into merits of the case, this Court deems it appropriate to dispose of the Writ Petition directing the respondents to consider the representations dated 17.06.2023 and 23.06.2023 and pass appropriate orders in accordance with law, within a period of two (02) weeks from the date of receipt of a copy of this order.

7. 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: 08.08.2023

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