
(2010) 09 KL CK 0194

In the High Court Of Kerala

Case No : Writ Petition (C) . No. 18776 of 2010 (V)

Vasanth

APPELLANT

Vs

The Deputy Director of Education

RESPONDENT

Date of Decision : 13-09-2010

Acts Referred:

Citation : (2010) 09 KL CK 0194

Hon'ble Judges : K.T. Sankaran, J

Bench : Single Bench

Advocate : T.A. Unnikrishnan, for the Appellant; Government Pleader, for the Respondent

Final Decision : Dismissed

Judgement

K.T. Sankaran, J.—The petitioner states that he is working as a peon in Government U.P. School, Pambanar in Idukki District. He belongs to North Aryanad in Alappuzha District. The petitioner joined service on 24.9.2002 in Idukki District. It is also stated that in the year 2003, the petitioner submitted a request for inter district transfer to Alappuzha District. As per G.O.(P) No. 36/91/P and ARD dated 2.12.1991, 10% of the vacancies arising in the district in a year shall be filled up by inter district transfer. According to the petitioner, he is eligible to get inter district transfer in the year 2008. It is stated that one Ravi was accommodated in Government High School for Boys, Chavara in the year 2008. Ravi is junior to the petitioner as he joined service only on 16.10.2002.

2. The relief prayed for in the Writ Petition is for the issue of a writ of mandamus commanding the second respondent to transfer the petitioner to Alappuzha District.

3. A statement is filed on behalf of the second respondent wherein it is stated as follows:

3. 10% of the vacancies in the district in an year can be filled up by inter-district transfer in terms of G.O.(P) 36/91/P and ARD dated 2.12.1991. As per the

existing rule, 50% of the vacancies set apart for inter district transfer and it should be filled up under the general seniority, 30% under preferential claim and 20% under compassionate ground. In Alappuzha District, 7 inter district transfers have so far been ordered since 24.9.2007. One J. Sebastian, Shaji S.M., Ajayakumar K. and V.P. Murali was transferred as per General Transfer comes under the 50% and one Ravi was transferred taking into account of the preferential claim under 30% and one Raju T.G. under companionate ground which comes under 20%. In so far the above persons are concerned except one person by name Ravi was transferred by way of a preferential claim all are seniors to the petitioner. Ravi was transferred under the preferential claim during 2008-09, taking into account that he belongs to Scheduled Tribe category and having first preference for transfer in accordance with the guidelines. Since the petitioner being a son of freedom fighter he is being preference only as six on the basis of G.O.(P) No. 27/93/P and ARD dated 13.5.2003.

In the light of the facts contained in the statement, the relief prayed for by the petitioner in the Writ Petition cannot be granted at this stage. The Writ Petition is accordingly closed with liberty to the petitioner to approach this Court again as and when occasion arises.