

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI
(SPECIAL ORIGINAL JURISDICTION)



THURSDAY, THE FOURTH DAY OF JANUARY
TWO THOUSAND AND TWENTY FOUR

:PRESENT:

THE HONOURABLE SRI JUSTICE GANNAMANENI RAMAKRISHNA PRASAD

WRIT PETITION NO: 32397 OF 2023

Between:

B. Murali Krishna, S/o. Nageswara Rao, Aged about 46 years, Head
Constable No. 495, Narasaraopet I Town Police Station, Palnadu District.

Petitioner

AND

1. State of Andhra Pradesh, rep., by Its Principal Secretary, Home, Department, Secretariat, Amaravathi.
 2. The Director General of Police (Personnel), State of A.P., Mangalagiri, Guntur District.
 3. The Inspector General of Police (SCZ), Guntur Range, Guntur.
 4. The Superintendent of Police, District Police Office, Palnadu, Narasaraopeta
 5. The District Education Officer, Bapatla, Bapatla District.
 6. The Regional Joint Director of School Education, Guntur, Guntur District.
- Respondent Nos. 5 and 6 impleaded (Suo Moto) as per Court Order dated 04.01.2024 in WP No. 32397 of 2023.

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ, order or direction more in the nature of Mandamus declaring the impugned Order C.No.82/A1/2023, dated 18-10-2023 issued by the 4th respondent as being illegal, arbitrary, discriminatory, unjust and colourable exercise of power and contrary to the policy of the Government to accommodate wife and husband at the same place or nearby place and also violative of Articles 14, 16 and 21 of the Constitution of India and consequently set-aside the same and hold that the petitioner is entitled for re-allotment / transfer to Bapatla district on spouse grounds from Palnadu district in terms of the policy of the Government to accommodate wife and husband at the same place or nearby place, with all consequential benefits;

IA NO: 1 OF 2023

Petition under Section 151 CPC is filed praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondents to effect the transfer of the petitioner from Palnadu district to Bapatla District on spouse grounds by suspending the operation of the impugned Order C.No.82/A1/2023, dated 18-10-2023 issued by the 4th respondent, Pending disposal of WP 32397 of 2023, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri Somisetty Ganesh Babu, Advocate for the Petitioner and of Sri S. RAJU, LEARNED ASSISTANT GP FOR SERVICES I Advocate for the Respondents and the Court made the following.

ORDER:

“Heard Sri Somisetty Ganesh Babu, learned Counsel for the Writ Petitioner and Sri S. Raju, learned Assistant Government Pleader for Services-I.

2. This matter was listed on 02.01.2024. Having regard to the nature of the issue involved, this Court had directed Sri S. Raju, learned Assistant Government Pleader for Services-I, to get instructions whether the Writ Petitioner can be posted in a nearby place where his spouse is working as a Teacher. The facts are to the effect that the Writ Petitioner is working as Head Constable and presently posted to Narasaraopet Town in Palnadu District. Wife of the Writ Petitioner is working as a Teacher in MPUPS, Pedapuluguvuri Palem of Karlapalem Mandal in Bapatla District.

3. Sri S. Raju, learned Assistant Government Pleader for Services-I has filed written instructions stating the request of the Writ Petitioner is considered and he has been posted to Chilakaluripeta, which is also in Palnadu District, but closer to the place of work of the wife of the Writ Petitioner as per the Orders of the Superintendent of Police, Palnadu District, dated 03.01.2024 in DO.No.10/2024 (C.No.106/A1/ 2023).

4. Learned Counsel for the Writ Petitioner submits that the Chilakaluripet Town is still about 60 km from the working place of spouse of the Writ Petitioner, and therefore, long distance would not mitigate the situation.

5. Having regard to these facts, this Court deems it appropriate to implead the District Education Officer, Bapatla and Regional Joint Director of School Education, Guntur as parties.

6. Learned Counsel for the Writ Petitioner would serve a copy of this Order on the learned Government Pleader for School Education by tomorrow i.e., on 05.01.2024.

7. Sri S. Raju, learned Assistant Government Pleader for Services-I would submit that the Writ Petitioner has been relieved from Narasaraopet and directed to join his duties at Chilakaluripeta, as per the Orders of the Superintendent of Police, Palnadu District. The Writ Petitioner shall join at Chilakaluripeta. This posting is subject to the final outcome of the present Writ Petition.

8. List this matter on 08.01.2024 in the Motion List."

Sd/- K. SRINIVASA RAJU
ASSISTANT REGISTRAR

//TRUE COPY//

For

SECTION OFFICER

To,

1. The Principal Secretary, Home, Department, Secretariat, Amaravathi, State of Andhra Pradesh
2. The Director General of Police (Personnel), State of A.P., Mangalagiri, Guntur District.
3. The Inspector General of Police (SCZ), Guntur Range, Guntur.
4. The Superintendent of Police, District Police Office, Palnadu, Narasaraopeta
5. The District Education Officer, Bapatla, Bapatla District.
6. The Regional Joint Director of School Education, Guntur, Guntur District. Respondent Nos. 5 and 6 impleaded (Suo Moto) as per Court Order dated 04.01.2024 in WP No. 32397 of 2023. (Addressee Nos. 1 to 6 by RPAD)
7. One CC to SRI. SOMISETTY GANESH BABU Advocate [OPUC]
8. Two CCs to GP FOR SERVICES I, High Court Of Andhra Pradesh. [OUT]
9. One spare copy

KJ

HIGH COURT

GRKPJ

DATED:04/01/2024

LIST THIS MATTER ON 08.01.2024 IN THE MOTION LIST

ORDER

WP.No.32397 of 2023

DIRECTION

