



**IN THE HIGH COURT OF ANDHRA
PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3460]

FRIDAY, THE TWELFTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

WRIT PETITION NO: 32397/2023

Between:

1. 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.

...RESPONDENT(S):

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 and pass such

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Petition under Section 151 CPC 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 the above writ petition and pass such

Counsel for the Petitioner:

1.SOMISETTY GANESH BABU

Counsel for the Respondent(S):

1.GP FOR SERVICES I

The Court made the following:

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY**W.P. No.32397 of 2023****ORDER:**

The present Writ Petition is filed questioning the impugned order issued by Respondent No.4 *vide* C.No.82/A1/2023, dated 18.10.2023 as illegal and arbitrary.

2. Petitioner was appointed as Police Constable on 30.11.1998 in Guntur District and pursuant to reorganization of Districts in Andhra Pradesh, Petitioner was allotted to Palnadu District and was posted as Head Constable in Narsaraopet I Town Police Station. It is stated that the wife of the Petitioner is working as School Assistant in MPUPS PedapuluguvariPalem of Karlapalem Mandal, Bapatla District. Petitioner submitted a representation to the Respondent No.4 requesting Respondent No.4 to consider his case for transfer to Bapatla District under spouse category.

3. There was no response from Respondent No.4 with regard to the representation of the Petitioner. It is stated that the transfer policy of the Government accommodate husband and wife at same place or nearby place. Without considering the same, Petitioner was allotted to Palnadu District, which is more than 80

Kilometers from the workplace of his wife. Hence, the present writ petition is filed.

4. In the counter affidavit filed by Respondent No.4, it is stated that the allotment of Petitioner to Palnadu District was after the bifurcation of Guntur District and it was a tentative allotment. It was further stated that, State Government of Andhra Pradesh *vide* Gazette Notification dated 26.01.2022 and 02.02.2022 has restructured the Districts in Andhra Pradesh and the erstwhile Guntur District was also restructured subsequently. Later, the Director General of Police had issued instructions for provisional allotment of Police Personnel to newly restructured Palnadu, Guntur and Bapatla Districts in the ratio 52.40, 28.26 and 19.34 respectively.

5. It was further stated in the counter affidavit filed by Respondent No.4 that the Petitioner was allotted to Palnadu District and was presently working at Nadendla Police Station. It was further stated that as per GO.Ms.No.41, Finance (HR.I-PLG. & Policy) Department, dated 01.04.2022, Spouse Category request can be considered only once in 08-years and not always and after working for almost 1 ½ years at Nadendla Police Station

of Palnadu District, Petitioner submitted a representation on 21.07.2023 regarding the health of his wife and requested for transfer to Bapatla District on spouse grounds.

6. On enquiry, it is further stated that the Inspector of Police, Palnadu District addressed a letter *vide* C.No.422/SB-XI/2023 dated 14.09.2023 to District Educational Officer to clarify whether the wife of the Petitioner is suffering from any health issues. Consequently, the District Educational Officer, Bapatla District *vide* letter in Rc.No.2461/B1/2023, dated 16.10.2023 clarified that, on 29.09.2023, Mandal Educational Officer visited the MPUPS, PedapuluguvariPalem of Karlapalem Mandal, Bapatla District, where the wife of the Petitioner was working and noticed that the wife of the Petitioner was attending her duties normally and there were absolutely no issues with reference to her health and as none of the teaching staff or students has stated that wife of the Petitioner was suffering with mental issues/abnormal behavior. In that view, the representation of the Petitioner dated 21.07.2023 was rejected *vide* order dated 18.10.2023.

7. Learned counsel for the Petitioner filed medical documents and relied on certain prescriptions given to the wife of the

Petitioner with regard to her health condition and submits that speaking order cannot be sustained. It is furthermore submitted by the learned counsel for the Petitioner that the Petitioner's wife is suffering from Mental Disorder (Depression) and requires the Petitioner's presence to attend to her Mental Disorder(Depression).

8. Learned Assistant Government Pleader for Services-I submitted that speaking order was passed after conducting due enquiry, which reflected that there were no issues with regard to the health condition of the wife of the Petitioner and the same need not be interfered by this Court.

9. Heard Sri Somisetty Ganesh Babu, learned counsel for the Petitioner and Learned Assistant Government Pleader for Services-I.

10. The impugned speaking order dated 18.10.2023 was passed after conducting due enquiry, after visiting the school in which the wife of the Petitioner was working to get an overview with regard to her health condition. After conducting an enquiry with both the teaching staff and students, it is concluded that the wife of the Petitioner does not have any health issues, which was

a fact-finding aspect. This Court cannot interfere with or re-appreciate such factual findings arrived after due enquiry by the competent authority.

11. The Petitioner along with his writ affidavit filed medical prescriptions given in the name of his wife by Manasa Hospital, Guntur which provided treatment to the wife of the Petitioner. But, however, the nature of the health condition is not specified in the writ affidavit or the medical prescriptions.

12. Considering the submissions made, the Writ Petition is disposed of with the following directions:

- i) The Petitioner may submit a Medical Report/Opinion with regard to the health condition of his wife (spouse) to the Respondent-Authorities.
- ii) On receipt of the Medical Report/Opinion from the Petitioner with regard to the health condition of his wife, the Respondent-Authorities shall consider the case of the Petitioner and pass appropriate orders thereon.
- iii) There shall be no order as to costs.

As a sequel, the miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

NYAPATHY VIJAY, J

Date: 12.12.2025

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THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

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Date: 12.12.2025

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