

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)**

**MONDAY, THE SECOND DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY FOUR**

PRESENT

THE HONOURABLE SRI JUSTICE PULLA KARTHIK

WRIT PETITION NO: 21138 OF 2024

Between:

Dr. P.N.V.Bhargav, S/o.P.V.Subba Rao, aged 33 years, Librarian, Government Junior College, Kachiguda, Hyderabad now under transfer to Government Junior College, Balanagar, Mahabubnagar District.

.....PETITIONER

AND

1. State of Telangana, represented by its Special Chief Secretary, Finance (HRM.I) Department, Secretariat, Hyderabad.
2. The Principal Secretary to Government, State of Telangana, Higher Education (CE) Department, Secretariat, Hyderabad.
3. The Principal Secretary to Government State of Telangana, School Education (IE) Dept., Secretariat, Hyderabad.
4. The Commissioner of Intermediate Education, State of Telangana, Hyderabad.
5. The Commissioner, Department of Empowerment and Persons with Disabilities, State of Telangana, Nalgonda Cross Roads, Hyderabad.
6. The Regional Joint Director of Intermediate Education, State of Telangana, Hyderabad.
7. Mr.K.Suresh Kumar, Librarian, Government Junior College, Kachiguda, Hyderabad.

.....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 declare G.O.Ms.No.80, Finance (HRM.I) Dept., dated 03-07-2024 of the 1st Respondent and G.O.Rt.No.118, Higher Education (CE) Dept., dated 15/07/2024 of the 2nd Respondent to the extent of not providing policy of

postings and transfers to disabled employees in terms of Section 20(5) of the Rights of Persons with Disabilities Act, 2016 and the proceedings bearing Rc.No.RJDIE/GT/2024, dated 31/07/2024 of the 6th Respondent as illegal, arbitrary and contrary to Section 20(5) of the Rights of Persons with Disabilities Act, 2016 by issuing appropriate writ, order or direction more particularly in the nature of Mandamus and consequently direct the Respondents to continue the petitioner at GJC, Kachiguda or in any existing clear vacancy.

I.A.NO:1 OF 2024

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 suspend the proceedings bearing Rc.No. RJ DI E/GT/2024, dated 31/07/2024 of the 6th Respondent pending disposal of the above writ petition.

Counsel for the Petitioner : SRI K.RAMA SUBBA RAO

Counsel for the Respondent Nos.1 to 6 : SPL. G.P FOR SERVICES – I

Counsel for the Respondent No.7 : -

The Court made the following ORDER

THE HON'BLE SRI JUSTICE PULLA KARTHIK

WRIT PETITION No.21138 OF 2024

ORDER:

With the consent of both the parties, this Writ Petition is taken up for disposal, at the admission stage.

2. This Writ Petition is filed under Article 226 of Constitution of India seeking the following relief:

"...to declare G.O.Ms.No.80, Finance (HRM.I) Dept., dated 03-07-2024 of the 1st respondent and G.O.Rt.No.118, Higher Education (CE) Dept., dated 15-07-2024 of the 2nd respondent to the extent of not providing policy of postings and transfers to disabled employees in terms of Section 20(5) of the Rights of Persons with Disabilities Act, 2016 and the proceedings bearing Rc.No.RJDIE/GT/2024, dated 31-07-2024 of the 6th respondent as illegal, arbitrary and contrary to Section 20(5) of the Rights of Persons with Disabilities Act, 2016 by issuing appropriate writ, order or direction more particularly in the nature of Mandamus and consequently direct the respondents to continue the petitioner at GJC, Kachiguda or in any existing clear vacancy and to pass..."

3. Heard Sri Rama Subba Rao, learned counsel for the petitioner and learned Special Government Pleader representing learned Government Pleader for Services-I, for respondent Nos.1 to 6.

4. Learned counsel for the petitioner submits that the petitioner was initially appointed as Junior Assistant on 09.08.2010 in R&B Department under physically impaired quota and he was appointed by transfer as Librarian on 01.09.2023 and since then, he is working in the said post. In pursuance of G.O.Ms.No.80, dated 03.07.2024, the petitioner was compelled to submit his options for transfer in terms of G.O.Rt.No.118, dated 15.07.2024. However, he also submitted representations to respondent No.1 on 15.07.2024 and

05.08.2024 with a request to exempt him from transfers and the same are pending consideration. Learned counsel further submits that the petitioner earlier filed W.P.No.18954 of 2024 before this Court and this Court *vide* order, dated 22.07.2024 directed the respondents therein to consider the representation of the petitioner, dated 15.07.2024 and pass appropriate orders, in terms of Section 20(5) of the Rights of Persons with Disabilities Act, 2016. In view of the same, the Director of Intermediate Education, Telangana, has forwarded proposals to respondent No.2 on 24.07.2024. Therefore, learned counsel prays this Court to direct respondent No.1 to consider the representations of the petitioner, dated 15.07.2024 and 05.08.2024 and pass appropriate orders duly taking into consideration the proposals forwarded to respondent No.2 by the Director of Intermediate Education, Telangana on 24.07.2024, within a stipulated period of time.

5. Learned Government Pleader for respondent Nos.1 to 6 submits that respondent No.1 will consider the representations of the petitioner, dated 15.07.2024 and 05.08.2024 and pass appropriate orders thereon, in accordance with law.

6. Having regard to the submissions made by learned counsel for the respective parties, this Writ Petition is disposed of directing respondent No.1 to consider the representations of the petitioner,

dated 15.07.2024 and 05.08.2024, and pass appropriate orders, duly taking into consideration the proposals forwarded by the Director of Intermediate Education, Telangana to respondent No.2 on 24.07.2024, strictly in accordance with law, as expeditious as possible, preferably within a period of six (6) weeks from today and communicate a copy thereof to the petitioner. There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

SD/-T. VIJAY KUMAR
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Special Chief Secretary, Finance (HRM.I) Department, Secretariat, State of Telangana at Hyderabad.
2. The Principal Secretary to Government, State of Telangana, Higher Education (CE) Department, Secretariat, Hyderabad.
3. The Principal Secretary to Government, State of Telangana, School Education (IE) Dept., Secretariat, Hyderabad.
4. The Commissioner of Intermediate Education, State of Telangana, Hyderabad.
5. The Commissioner, Department of Empowerment and Persons with Disabilities, State of Telangana, Nalgonda Cross Roads, Hyderabad.
6. The Regional Joint Director of Intermediate Education, State of Telangana, Hyderabad.
7. Two CCs to GP FOR SERVICES-I, High Court for the State of Telangana at Hyderabad. [OUT]
8. One CC to SRI K.RAMA SUBBA RAO, Advocate [OPUC]
9. Two CD Copies

SA
BS



C.C. TODAY

HIGH COURT

DATED:02/09/2024

ORDER

WP.No.21138 of 2024



DISPOSING OF THE W.P
WITHOUT COSTS.

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REMA
04/9/2024