

HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.1193 of 2009

ORDER:

This writ petition is filed under Article 226 of the Constitution of India, seeking the following relief:

“to issue an appropriate writ order or direction more one in the nature of WRIT OF MANDAMUS declaring the action of the 1st and 2nd respondents in not appointing the Petitioner as Fair Price Shop Dealer and without considering the candidature of the Petitioner appointing the 4th respondent as Fair Price Shop Dealer is illegal, arbitrary, violation of Principles of Natural Justice and consequently, set aside the order of the 1st respondent in D.Dis No.C1/789/08 dated 22-12-2008 and Consequential orders passed by the 2nd respondent in D.Dis.No./B/1574/08 dated 18-7-2008.”

2. Heard Sri T.Janardhan Rao, learned counsel for the petitioner, learned Government for Civil Supplies for the respondents 1 to 3 and Sri D.Seshasayana Reddy, learned counsel for the fourth respondent apart from perusing the material available before the Court.

3. In response to a notification issued by the Revenue Divisional Officer, Chittoor/second respondent herein, inviting applications from the eligible candidates belonging to schedule castes for consideration for the post of Fair Price shop Dealership, as many as five individuals including the writ petitioners and the fourth respondent submitted their applications. Subsequently, interviews were conducted on 09.07.2008 and the Revenue Divisional Officer, Chittoor/second respondent herein passed an order vide proceedings D.Dis.No./B/1574/08 dated 18.07.2008, selecting and appointing the fourth respondent herein as Fair Price shop Dealer.

4. Felt aggrieved by the said order passed by the second respondent herein, the petitioner herein filed appeal before the Joint Collector, Chittoor. The Joint Collector, Chittoor/first respondent herein by way of an order in D.Dis.No.C1/789/08 dated 22.12.2008, dismissed the said appeal filed by the petitioner herein.

5. Calling in question, the legality of the said orders passed by the Revenue Divisional Officer/second respondent herein as confirmed by the Joint Collector/first respondent herein, the present writ petition came to be filed.

6. This Court, on 28.01.2009, issued Rule Nisi. Responding to the *Rule Nisi* issued by this Court, a counter affidavit is filed by the respondents

1 to 3, denying the allegations and averments made in the affidavit filed in support of the writ petition and in the direction of justifying the impugned action.

7. It is contended by the learned counsel for the petitioner that the orders passed by the first and second respondents herein are erroneous, contrary to law and are opposed to the very spirit and object of the Essential Commodities Act, 1955 and the Essential Commodities Control Order, 2008. It is further submitted that the order passed by the Revenue Divisional Officer is a non-speaking order and is full of fallacies.

8. On the contrary, it is contended by the learned Government Pleader for the respondents 1 to 3 and the learned counsel for the fourth respondent that the orders impugned are in accordance with law and there is no illegality in the orders under challenge, as such, the petitioner herein is not entitled for any relief from this Court under Article 226 of the Constitution of India. It is also emphatically contended by the learned Government Pleader and the learned counsel for the fourth respondent that the petitioner herein has an effective and efficacious alternative remedy of revision to the District Collector and without availing the said alternative remedy, filed the present writ petition.

9. In view of the above back ground, now the point that arises for consideration is whether the petitioner herein is entitled for any relief from this Court under Article 226 of the Constitution of India?

10. In the present writ petition the challenge is to the orders passed

by the Revenue Divisional Officer and the Joint Collector. It is rightly pointed out by the learned Government Pleader and the learned counsel for the fourth respondent herein that as against the orders passed by the Joint Collector, revision lies to the District Collector under Clause 21 (1) of the A.P. State Public Distribution System (Control) Order 2008. In view of the said alternative remedy available to the petitioner herein, this Court is not inclined to entertain the present writ petition.

11. For the aforesaid reasons, the writ petition is disposed of, permitting the petitioner herein to file revision under Clause 21 of the A.P. State Public Distribution System (Control) Order 2008 against the orders passed by the Joint Collector, Chittoor, vide proceedings in D.Dis.No.C1/789/08 dated 22.12.2008 confirming the orders passed by the second respondent/Revenue Divisional Officer, Chittoor, Chittoor District dated 18.07.2008, within a period of one month from the date of receipt of this order. If any such appeal is filed, the same shall be dealt with in accordance with law. Pending miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

A.V.SESHA SAI, J

Date:10.03.2015
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HON'BLE SRI JUSTICE A.V.SESHA SAI

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Between:

G.Jyothsna W/o B.Ravi, Hindu,
Aged 27 years, R/o Setteeri Village,
Bangarupale Mandal, Chittoor District

... Petitioner

and

The Joint Collector, Chittoor Disttict,
Chittoor District and three others.

... Respondents

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