

HONOURABLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No. 33520 of 2015

DATED 12th OCTOBER, 2015

BETWEEN

G.Naveen Kumar

...Petitioner

And

Stte of Andhra Pradesh,

Rep. by its Principal Secretary,

Civil Supplies Department, Secretariat,

Hyderabad and ors.

....Respondents.

HONOURABLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No. 33520 of 2015

ORDER:

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Heard learned Counsel for the petitioner and learned Government Pleader for

Respondents 1 to 4.

The petitioner was appointed as Fair Price Shop Dealer on permanent basis on 7.7.2015 for FP Shop No. 17 of Boyachinnanagannapale village, V.Kota Mandal, Chittoor District through process of selection. The fifth respondent herein is the unsuccessful candidate in the said selection process. Challenging the appointment of the petitioner, the fifth respondent filed an appeal before the second respondent and the second respondent granted stay of appointment of the petitioner pending disposal of the appeal. Challenging the said order dated 26.09.2015, the present Writ Petition is filed.

Since the petitioner was selected and appointed through process of selection, the balance of convenience lies in favour of the petitioner. The petitioner was appointed as Fair Price Shop Dealer on 7.7.2015 and three months' period has elapsed by now. In the circumstances, the second respondent ought not to have stayed the appointment of the petitioner in the appeal preferred by the unsuccessful candidate. In the circumstances, impugned order dated 26.09.2015 to the extent of granting stay of appointment of the petitioner is set aside and the matter is remanded to the second respondent for consideration of the appeal, on merits. In view of setting aside the order of stay granted in the appeal preferred by the fifth respondent herein, the petitioner shall continue as Fair Price Shop Dealer of the aforesaid fair price shop till the orders are passed by the second respondent.

The Writ Petition is allowed to the extent indicated above. Miscellaneous petitions pending consideration if any in the Writ Petition shall stand closed in consequence. No order as to costs.

JUSTICE A. RAMALINGESWARA RAO

DATED 12th October, 2015.

Note. CC in two days.

(BO)

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