

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION NO.2711 OF 2012

DATED:5-8-2015

Between:

G. Anjamma

... Petitioner

And

Government of Andhra Pradesh
Rep. by its Secretary
Consumer Affairs
Food and Civil Supplies (CS.I) Department
Secretariat
Hyderabad
and others

... Respondents

... Respondents

COUNSEL FOR THE PETITIONER: Mr. I. Gopala Reddy

COUNSEL FOR THE RESPONDENTS: A.G.P. for Civil Supplies (AP)

THE COURT MADE THE FOLLOWING:

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ORDER:
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This writ petition is filed for a mandamus to set aside the notification in R.C.F./38/2011, dated 5.1.2012, of respondent No.3, in respect of fair price shop No.18 of Pakala Village, Singarayakonda Mandal, Prakasam District.

I have heard Mr. I. Gopala Reddy, learned counsel for the petitioner, and the learned Assistant Government Pleader for Civil Supplies (AP).

Consequent on arising of permanent vacancy of Pakala fair price shop (for short, 'the subject shop'), a notification was issued by respondent No.3 on 1.7.2010 reserving the same for candidates belonging to scheduled castes. Subsequently, a fresh notification was issued on 1.1.2011 reserving the vacancy for scheduled tribe category. As the vacancy was not filled up, the petitioner was appointed as temporary dealer on 26.8.2011. Later, respondent No.3 has issued the impugned notification reserving the shop for B.C.(A) group. Feeling aggrieved by this notification, the petitioner filed this writ petition.

Respondent No.3 has filed a counter affidavit wherein it is *inter alia* stated that as per the State Government policy, revenue division shall be treated as a unit for implementing the reservations, that in respect of the scheduled castes as against 112 shops reserved for the said category, 110 dealers belonging to the said category were working and therefore the subject shop was reserved for scheduled caste candidate and that a notification to that effect was issued on 1.7.2010. That as no applications were received from scheduled caste category candidates, respondent No.3 could not proceed further in pursuance of the said notification and that as there is a heavy shortfall of scheduled tribe candidates, i.e., as against 45 shops reserved for the said category only 10 dealers belonging to the said category were functioning, a fresh notification was

issued on 1.1.2011 reserving the shop for scheduled tribe category candidates. That in pursuance of the said notification, two applications were filed but neither of the applicants has attended the interview fixed for 20.5.2011. That to avoid inconvenience in distribution of essential commodities, the petitioner was appointed as temporary fair price shop dealer and that a fresh notification was issued on 5.1.2012 notifying the said shop for B.C.(A) category. Respondent No.3 further stated that before the said notification was issued, the two vacancies reserved for scheduled caste candidates were notified in respect of Polepalli Village of Donakonda Mandal and Sankarapuram Village of Mundlamur Mandal and that therefore no scheduled caste category vacancy was available when the impugned notification was issued on 5.1.2012.

No reply is filed by the petitioner controverting the above noted averments of respondent No.3 in the counter affidavit. Thus, from the uncontroverted facts, it is evident that a notification was issued on 1.7.2010 reserving the said shop for scheduled caste category candidates, but, for the reasons best known to her, the petitioner, who belongs to the said category did not apply. By the time the impugned notification was issued, the two vacancies available in scheduled caste category were already notified. Hence, no exception can be taken to the action of respondent No.3 in issuing the impugned notification reserving the subject shop for B.C.(A) category.

For the above mentioned reasons, the writ petition is dismissed.

As a sequel to dismissal of the writ petition, interim order dt.3.2.2012 shall stand vacated and W.P.M.P. No.3397 of 2012 and W.V.M.P. No.2832 of 2012 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

5-8-2015

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