

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION NO.8634 OF 2009

ORDER:

The Order dated 14.07.2008 passed by the 2nd respondent-Joint Collector, Vizianagaram, setting aside the order dated 29.03.2008 of the 3rd respondent-Revenue Divisional Officer, Vizianagaram, with a direction to the Revenue Divisional Officer to cause enquiry as regards the caste / community status of the petitioner and to issue further appropriate orders, is challenged before this Court.

2) It is the case of the petitioner that petitioner came to be appointed by the 3rd respondent-Revenue Divisional Officer, as Fair Price Shop Dealer vide proceedings in Rc.No.3316/07D, dated 29.03.2008. Questioning the petitioner being appointed as Fair Price Shop Dealer, 4th respondent, who was unsuccessful candidate, filed appeal before the 2nd Respondent-Joint Collector, Vizianagaram, and the 2nd respondent set aside the proceedings of the 3rd respondent. The allegation of the 4th respondent is to the effect that the petitioner embraced the Christianity and was Baptised in the Church on 11.06.2005 and thus he was not eligible to be appointed as a Fair Price Shop Dealer, which is exclusively reserved for Scheduled Caste Community. The Joint Collector, on a perusal of the record *prima facie* came to conclusion that the petitioner was a converted Christian, had set aside the order of the 3rd respondent and allowed the appeal filed by the 4th respondent with a direction to the 3rd respondent-Revenue Divisional Officer to conduct the veracity of the Caste Certificate of the petitioner, particularly the community status. This writ petition challenges the same.

3) This Court while admitting the writ petition on 24.04.2009 granted interim suspension as prayed for. No counter affidavit has been filed.

4) It is submitted by the learned counsel for the petitioner that by virtue of the interim order granted by this Court on 24.04.2009, the petitioner continue to discharge the duties of Fair Price Shop Dealer and no enquiry as such was conducted by the Revenue Divisional Officer in terms of the orders of the Joint Collector, Vizianagaram.

5) On the other hand learned Government Pleader submits that on account of the orders of this Court, enquiry was not completed by the Revenue Divisional Officer and the writ petition may be disposed of with a direction to the 3rd respondent to complete the enquiry within a reasonable time.

6) Having considered the rival submissions and considering the fact that the petitioner came to be appointed as a Fair Price Shop Dealer and by virtue of the orders of this Court he has been continuing to discharge the functions of a Fair Price Shop Dealer all these years, interest of justice would be served if a direction is issued to the 3rd respondent-Revenue Divisional Officer. Accordingly, 3rd respondent shall complete the enquiry as directed by the 2nd respondent-Joint Collector, in accordance with law after giving a reasonable opportunity of hearing to the petitioner, within a period of 12 weeks from the date of receipt of a copy of this order.

7) With the above direction, the writ petition is disposed of. There shall be no order as to costs. Miscellaneous petitions pending, if any, shall stand closed.

JUSTICE CHALLA KODANDA RAM

Date:30.12.2015

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