

HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

PRESENT

THE HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT APPEAL No.855 OF 2015

DATED: 09.09.2015

Between:

B.Nagappa

... Appellant

and

The State of Andhra Pradesh and others

... Respondents

**THE HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
THE HON'BLE SRI JUSTICE S.V.BHATT**

WRIT APPEAL No.855 of 2015

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PC: (per the Hon'ble The Acting Chief Justice Dilip B. Bhosale)

This Writ Appeal is directed against the order, dated 22.06.2015 passed in Writ Petition No.4471 of 2015, dismissing the Writ Petition filed by the appellant challenging the appointment of respondent No.5 granting authorization (fair price shop) in favour of respondent No.5.

It appears, in the Writ Petition, the order awarding fair price shop to respondent No.5 was challenged on the ground that she had secured 53 marks in the written examination and even if, all 20 marks for interview were allotted to her, she would not get 75 marks, and therefore, the decision based on the 75 marks obtained by her is wrong.

Learned counsel for the appellant invited our attention to the order, dated 20.01.2015 passed by Revenue Divisional Officer, Penukonda to submit that in the order, the appointing authority did not make any reference to the marks secured by respondent No.5. The very same argument was advanced before the learned Single Judge

and in view thereof, it appears that original record was called for and after perusing the same, in the impugned order, following observations were made:

“I called for the record in view of the allegation made by the petitioner that the fifth respondent secured only 53 marks in the written examination, and since the marks earmarked in the interview are 20 marks, she cannot get 75 marks. The record produced before me showed that, in the written examination the petitioner secured 61 marks out of 80 marks, whereas the fifth respondent secured 57 marks out of 80 marks. In the interview, the petitioner was given 12 out of 20 marks, whereas the fifth respondent was given 18 out of 20 marks. Thus, the fifth respondent was selected. Both the candidates belong to Backward Class community. Though the said shop was notified under OC category, in view of the marks secured by them, the fifth respondent was appointed.”

(emphasis supplied)

Even the other submission of the learned counsel for the appellant that respondent No.5 is not a permanent resident of the State of Andhra Pradesh, also deserves to be rejected. Learned Single Judge after perusing the original record including aadhaar card and ration card, has recorded a categorical finding that respondent No.5 is a permanent resident of Seegipalli Village, Anantapur District. We do not find any merit in the Writ Appeal.

Writ Appeal is dismissed.

Consequently, miscellaneous petitions, if any, also stand disposed of.

DILIP B. BHOSALE, ACJ

9th SEPTEMBER, 2015.

S.V. BHATT, J

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