

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

Writ Petition No.16472 of of 2011

—

Dated 03.06.2015

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Between:

Smt.Chinta Sarvamma

... Petitioner

and

The District Collector, Anantapur and 2 others

...Respondents

Counsel for the petitioner: Mr.Karibasaiah for Mr.VV.Anil Kumar

Counsel for the respondents: GP for Civil Supplies (AP)

The Court made the following:

Order:

At the interlocutory stage, the Writ Petition is taken up for hearing and disposal with the consent of the learned Counsel for the parties.

This Writ Petition is filed for a Mandamus to declare the action of

the respondents in seeking to fill up the vacancy of permanent dealer of fair price shop No.4 of Kodavandlapalli Village, Mudigubba Mandal, Anantapur District, as illegal and arbitrary.

The petitioner averred that she belongs to OC category and that she has been working as temporary dealer of the above-mentioned fair price shop. She felt aggrieved by the impugned notification issued by respondent No.2 whereunder the vacancy of permanent dealer of the said fair price shop is reserved for the candidate belonging to Scheduled Caste category.

Respondent No.2 filed a counter-affidavit wherein it is *inter alia* stated that as per the Government Policy envisaged under G.O.Ms.No.52, dated 18-12-2008, the division wise reservation is being followed; that in the Penugonda Revenue Division, out of 987 fair price shops, 150 shops were reserved for Scheduled Caste category, out of which 87 shops are being run by the dealers belonging to Scheduled Caste; and that as there is a shortfall of 63 vacancies reserved for Scheduled Caste category, the vacancy of permanent dealer of the fair price shop in question was reserved for the candidate belonging to the said category.

No reply-affidavit is filed controverting the above-noted stand taken by respondent No.2 in the counter-affidavit.

By merely working as the temporary dealer of the fair price shop in question, the petitioner cannot claim consideration as its permanent dealer as of right. If, in the course of following the reservation policy of the Government, the vacancy of permanent dealer of a particular fair price shop is reserved for a category different from the one to which its temporary dealer belongs, the same cannot be questioned by the temporary dealer. Unless it is demonstrable from the facts of a particular case that earmarking the vacancy of permanent dealer of a fair price shop to a particular category is not in conformity with the Government Policy or that the same suffers from patent arbitrariness, the Courts would not interfere with the fixing of reservations.

As noted above, with a view to fill up the existing vacancies in Scheduled Caste category, the vacancy of permanent dealer of the fair price shop in question was reserved for the candidate belonging to the said category. Therefore, I do not find any illegality or arbitrariness in the impugned action of respondent No.2.

For the above-mentioned reasons, the Writ Petition is dismissed.

As a sequel to dismissal of the Writ Petition, WPMP.No.19767 of 2011, filed by the petitioner for interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

Dt: 3rd June, 2015

LUR