

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.1319 of 2012

Date:24.06.2015

Between:

P.Srinivas Reddy, S/o Ganga Reddy

..... Petitioner

And:

State of AP., repled by its Secretary,
Civil Supplies Department, Hyderabad
and three others.

.....Respondents

Counsel for the Petitioner: Sri T.Niranjan

for Ms D.Pramada

Counsel for Respondents: AGP for Civil Supplies (TS)

The Court made the following:

ORDER:

This Writ Petition is filed for a *Mandamus* to declare the notification vide B/1072/2007, issued by respondent No.4 for filling up the vacancy of Lingareddipally fair price shop on permanent basis, as illegal, arbitrary and unconstitutional.

I have heard Sri T.Niranjan, learned counsel representing Ms D.Pramada, learned counsel for the petitioner and learned Government Pleader for Civil Supplies (Telangana State).

The petitioner averred that he was initially appointed as fair price shop dealer on 06.02.2002; that he was issued authorisation in Form-II on 11.11.2004; that his authorisation was renewed from time to time for every

two years till the year 2007; that he has submitted authorisation for renewal in the year 2007; that since then he is being continued as fair price dealer; that respondent No.4 has addressed letter to the Tahsildar, Jagdevpur to send his remarks on the petitioner's appointment and continuance as temporary fair price shop dealer; that the Tahsildar has issued a show cause notice to the petitioner; that in reply to the said show cause notice, the petitioner has informed the Tahsildar that he is appointed purely on temporary basis initially and an authorisation was issued in the year 2004; that he has requested for issuance of proceedings appointing him as permanent fair price shop dealer; and that instead of issuing a permanent authorisation, respondent No.4 has got a news item published on 30.12.2011 stating that he has initiated steps for filling up the vacancies of 32 fair price shop dealers, for which notifications have been issued. The petitioner further averred that his subsequent enquiries have revealed that a notification was already issued calling for applications from the interested candidates by 10.01.2008 and respondent No.4 has fixed 22.01.2012 as the date for conducting interviews. The petitioner further submitted that the respondents are bound to follow the procedure stipulated in G.O.Ms.No.4, dated 19.02.2011, by conducting written test for 50 marks and interview for the remaining 50 marks and call the qualified candidates in the written test in 1:5 ratio for the interview.

No counter-affidavit is filed by the respondents.

This Court by order, dated 20.01.2012 has directed the respondents not to finalise the selections.

At the hearing, learned Government Pleader for Civil Supplies (Telangana State) has submitted that in view of the said interim order, written test and interview

have not been held.

Learned counsel for the petitioner submitted that as more than eight years had elapsed since the impugned notification was issued, his client will be satisfied if respondent No.4 is directed to issue a fresh notification by following the roster system envisaged by G.O.Ms.No.4, dated 19.02.2011. He has further submitted that till the selection process is finalised and permanent appointment is made, the petitioner may be continued as temporary fair price shop dealer.

After hearing the learned Government Pleader, I am of the opinion that it is not desirable to proceed with the selection process based on the impugned notification in view of long lapse of time from the date of issue of the said notification. Therefore, I find merit in the request of learned counsel for the petitioner to direct respondent No.4 to issue a fresh notification strictly in accordance with G.O.Ms.No.4, dated 19.02.2011 and complete the process of filling up the vacancy of Lingareddipally fair price shop within three months from the date of receipt of a copy of this order. Till this process is completed, the petitioner shall be continued as temporary fair price shop dealer.

Subject to the above observations and directions, the Writ Petition is disposed of.

As a sequel to disposal of the Writ Petition, interim order, dated 20.01.2012 is vacated and WPMP.No.1641 of 2012 is disposed of as infructuous.

*JUSTICE C.V.NAGARJUNA
REDDY*

*24th June, 2015
DR*