

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

WRIT PETITION No.36462 of 2013

Between:

Bandari Rama Lakshmi

... Petitioner

And

1. The Government of A.P., rep. by Principal Secretary
(Revenue), CAF & CS Department, Secretariat, Hyderabad,
and others.

... Respondents

DATE OF JUDGEMENT PRONOUNCED: 17-08-2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

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| 1. Whether Reporters of Local newspapers
may be allowed to see the Judgment? | Yes/No |
| 2. Whether the copies of judgment may be
marked to Law Reporters/Journals? | Yes/No |
| 3. Whether Their Ladyship/Lordship wish to
see the fair copy of the Judgment | Yes/No |

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

W.P.No.36462 of 2013

ORDER:

The petitioner was appointed as retail kerosene dealer of Shop No.4524 situated in Godavarikhani proper, Ramagundam Mandal, Karimnagar District and she was continuing as a dealer as per the licence issued in 1993 under the provisions of A.P. Petroleum Products (licensing and Regulation of Supplies) Order 1980. The authorisation of the petitioner was renewed up to 31.03.2014. It appears that the petitioner is continuing as on today by virtue of the renewal of the authorisation. While so, the retail kerosene dealers of Godavarikhani submitted a representation dated 12.09.2005 before the Collector (Civil Supplies) Karimnagar to consider their cases for conversion as fair price shop dealers and for allotting existing vacant shops. In pursuance of the said representation, the 3rd respondent considered six cases of the retail kerosene dealers only. However, when the case of a retail kerosene dealer, viz., A. Lakshminarayana, was not considered, he filed W.P.No.2237 of 2006 before this Court and the same was disposed of vide order dated 18.03.2006 and directed the respondents to consider his case and later on his case was also considered and he has been continuing as fair price shop dealer. The petitioner submitted an application to the 3rd respondent on 4.12.2013 seeking conversion from retail kerosene dealer to fair price shop dealer in respect of shop Nos.4531 and 4534, which were vacant at that time. But the 3rd respondent instead of considering the request of the petitioner took steps for appointing a new fair price shop

dealer for shop No.4531. Challenging non-conversion of the dealership of the petitioner from retail kerosene dealer to fair price shop dealer, the present writ petition is filed.

A counter affidavit is filed admitting that the petitioner was appointed as kerosene dealer and was authorised to distribute kerosene to the ration card holders of fair price shop No.4524. The Government issued guidelines for selection and appointment of fair price shop dealers vide G.O.Ms.No.52, dated 18.12.2008. As per Clause 9(iv) of the said Government orders preference shall be given to the hawker/nominated retailers for selection and appointment as fair price shop dealers. All requisite qualifications and guidelines issued by the Government from time to time shall be applicable to those hawkers/nominated retailers while converting to fair price shop dealers. It is stated that in respect of shop No.4531 a notification was issued. Since the petitioner was attached to shop No.4524 the case of the petitioner was not considered. Further, the petitioner has not filed any document to show her age proof, however, she filed an affidavit mentioning her age as 45 years as on December 2013. As the petitioner crossed the age of 40 years as on the date of issuing of notification she is not eligible for consideration.

The learned counsel for the petitioner submits that there is a vacancy in respect of fair price shop No.4524. Though notification was issued in respect of Shop No.4531, it was not filled up. There is no answer in the counter affidavit with regard to the consideration of other cases for filling up of the vacancy. In fact, one case was considered pursuant to the order in W.P.No.2237 of 2006.

In the circumstances, this writ petition is disposed of directing the 3rd respondent to consider the case of the petitioner also, if she otherwise fulfils the requisite qualifications for appointment of fair price shop dealer, after conversion from nominated retail kerosene dealer, in accordance with law within a period of 30 days from the date of receipt of a copy of this order.

With the above observations, the writ petition is disposed of. As a sequel miscellaneous petitions, if any, shall stand closed. No order as to costs.

A. RAMALINGESWARA RAO, J.

17th August, 2015