

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

WRIT PETITION No. 23953 of 2015

BETWEEN

Gedela Appanna

...Petitioner

And

The State of Andhra Pradesh,

Rep. by its Principal Secretary,

Food, Civil Supplies & Consumer Affairs Department,

Secretariat, Hyderabad and ors.

....Respondents

DATE OF JUDGMENT PRONOUNCED: 31.7.2015.

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

1. Whether reports of Local newspapers
may be allowed to see the judgments? YES/NO

2. Whether the copies of judgments 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.

HONOURABLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No. 23953 of 2015

ORDER:

Heard learned Counsel for the petitioner and learned Government Pleader for the respondents.

The petitioner is one of the sons of deceased Fair Price Shop Dealer, namely, Ramanna, who was a permanent Fair Price Shop Dealer for Jilledu Makivalasa Village, Polaki Mandal, Srikakulam District. The said Ramanna died on 19.9.2013 leaving behind the petitioner and his three brothers. The petitioner

applied for his appointment as Fair Price Shop Dealer in terms of G.O.Ms.No. 4, dated 28.02.2014. The case of the petitioner was also recommended by the fourth respondent. The third respondent passed the impugned order dated 26.5.2015 rejecting the application of the petitioner on the ground that the petitioner has not completed 7th class and at the time of death of petitioner's father, he had no valid authorization.

In respect of the first ground that the petitioner has not completed 7th class, it is to be seen that the Tahsildar, Polaki Mandal, in his recommendation letter dated 4.2.2015 observed as follows:

" I submit that under the provisions of Para 6(v) of Government Order 1st cited, " the legal heirs, who were not having prescribed educational qualifications, shall be given 3 years time from the date of appointment for possessing the prescribed educational qualifications"

In respect of the other ground relating to non renewal of the authorization, it is to be seen that the said ground is not found in G.O.Ms.No. 4, dated 28.02.2014. Further the learned Counsel for the petitioner brought to the notice of this Court that the authorization of the petitioner was renewed and the same is valid up to 31.3.2015. In the circumstances, the said ground of rejection does stand to scrutiny.

In view thereof, the impugned order passed by the third respondent dated 26.5.2015 is set aside and the matter is remanded to the third respondent for consideration of the case of the petitioner afresh in accordance with G.O.Ms.No. 4, dated 28.2.2014 and also in the light of the recommendation of the fourth respondent dated 4.2.2015 and pass appropriate orders thereon within a period of thirty days from the date of receipt of a copy of this order.

The Writ Petition is allowed to the extent indicated above. Miscellaneous petitions pending consideration if any in the Writ Petition shall stand closed in

consequence. No order as to costs.

JUSTICE A. RAMALINGESWARA RAO

DATED 31st JULY, 2015.

Msnr_x