

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
WRIT PETITION No.1431 of 2012
Date:24.06.2015

Between:

Yellaiah, S/o Narsaiah

..... 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/105/2007, dated 28.12.2011, issued by respondent No.4 for filling up the vacancy of Fair Price Shop No.2 of Ramsagar Village, Doulatabad Mandal, Medak District on permanent basis, as illegal, arbitrary and unconstitutional.

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

The petitioner averred that he belongs to S.C. community; that he was initially appointed as temporary fair price shop dealer on 01.08.2002; that he was issued authorisation in Form-II on 28.02.2006; that since then he

is being continued as fair price dealer; that respondent No.4 issued first show cause notice, dated 05.01.2009 and second show cause notice, dated 18.06.2010; and that in reply to the second show cause notice, he has submitted explanation stating that he has submitted all relevant documents on 17.12.2009, but without considering the same, respondent No.4 issued proceedings No.B/105/2007, dated 18.06.2010, cancelling the petitioner's authorisation and directed the Tahsildar, Doulatabad to make alternate arrangements; and that subsequently, 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 27.01.2012 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 on 23.01.2012 granted interim order.

At the hearing, the 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.

The learned counsel for the petitioner submitted that as more than four 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 Fair Price Shop No.2 of Ramsagar Village, Doulatabad Mandal, Medak District 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 23.01.2012 is vacated and WPMP.No.1777 of 2012 is disposed of as infructuous.

*JUSTICE C.V.NAGARJUNA
REDDY*

*24th June, 2015
DR*