

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION NO.21459 OF 2011

DATED:04-06-2015

Between:

Kum. M. Lakshmi ... Petitioner

And

District Collector

Mahaboobnagar

Mahaboobnagar District

and others

... Respondents

COUNSEL FOR THE PETITIONER: MR. P. Panduranga Rao

COUNSEL FOR RESPONDENT NOs.1 to 4: Government Pleader for
Civil Supplies (TS)

COUNSEL FOR RESPONDENT NO.5: D.L. Pandu

THE COURT MADE THE FOLLOWING:

ORDER:

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This writ petition is filed for issue of a Writ of Certiorari to quash the proceedings dt.02.7.2011 in case No.CS6/1392/2011 of respondent No.1 whereby he has reversed the order of respondent No.2 dismissing the appeal filed by respondent No.5 against the order of respondent No.3 appointing the petitioner as fair price shop dealer of Gatlakhanapur Village, Peddamandadi Mandal, Wanaparthi, Mahaboobnagar District.

I have heard the learned counsel for the petitioner, the learned Government Pleader for Civil Supplies (TS) and the learned counsel for respondent No.5, and perused the record.

In pursuance of the notification issued by respondent No.3 for filling up the vacancy of fair price shop dealer of Gatlakhanapur Village, the petitioner and respondent No.5 have submitted their applications. In the interview held by respondent No.3, the petitioner has secured 15 marks against 14 marks secured by respondent No.5. Based on the superior merit, the petitioner was appointed as fair price shop dealer by respondent No.3. This order was questioned in appeal by respondent No.5 before respondent No.2. By his order dt.9.5.2011, respondent No.2 has dismissed the appeal. Feeling aggrieved, respondent No.5 has filed a revision before respondent No.1. As noted above, the said revision petition was allowed. The only reason for which respondent No.1 has set aside the appointment of the petitioner is rather interesting, nay, incredulous that the petitioner has attained marriageable age and that soon she is likely to get married and as per the Hindu customs she has to leave the village after such marriage. This reason, in my opinion, is not only weird, but also astonishing. Respondent No.1 has drawn several inferences such as, every woman is bound to get married and on such marriage she is bound to leave her place of living. Assuming that there was reasonable possibility of the petitioner marrying in future, the assumption of respondent No.1 that she would certainly leave her village (on the assumption that her husband would be from a different place) has no basis. At any rate, respondent No.1 cannot predict the future events and set aside the appointment which was otherwise legally valid on a pure hypothesis. Respondent No.1, holding the position of a District Collector, is not expected to decide the rights of the parties on such surmises and conjectures.

For the above mentioned reasons, the order of respondent No.1 cannot be sustained and the same is accordingly set aside. Respondent No.3 is directed to restore the authorization of Gatlakhanapur village to the petitioner and permit her to function as fair price shop dealer. If the petitioner is married in the interregnum and not living at the village concerned, a condition shall be imposed by respondent No.3 that resumption of her dealership is subject to shifting her residence permanently to the village where the fair price shop is situated.

The writ petition is accordingly allowed.

As a sequel to the disposal of the writ petition, W.P.M.P. No.26118 of 2011 and W.V.M.P. Nos.4153 and 4283 of 2011 shall stand disposed of as infructuous.

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C.V. NAGARJUNA REDDY, J

4.6.2015

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