

HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

W.P.No.4498 of 2008

Date : 14-10-2015

Between :

J. Siva Prakash and others .. Petitioners

And

The Principal Secretary,

Food & Civil Supplies Department,

Government of A.P., Secretariat,

Hyderabad and others .. Respondents

Counsel for petitioners : --

Counsel for respondents : Government Pleader for Civil Supplies (TS)

The Court made the following :

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ORDER:

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Prescription of 10th Class as the educational qualification and maximum age limit of 40 years for conversion of Nominated Retail Kerosene Dealers as fair price shop dealers by G.O.Ms.No.32, Consumer Affairs, Food & Civil Supplies (CS-I) Department, dated 30-8-2007, is questioned in this Writ Petition.

The respondents have filed a counter affidavit seeking to justify the prescription of the said qualifications.

As regards 10th Class as the minimum general educational qualification, in my opinion, no exception can be taken as a fair price

shop dealer is expected to maintain proper accounts while dealing with several essential commodities and unless he possesses at least 10th Class qualification, he will not be in a position to maintain such accounts. However, prescription of maximum age limit of 40 years for conversion of Nominated Retail Kerosene Dealers into fair price shop dealers appears to be arbitrary and irrational, for, such a prescription does not have any nexus with the object sought to be achieved. If a fair price shop dealer is continued beyond 40 years of age, there could be no reason why a Nominated Retail Kerosene Dealer cannot be converted as a fair price shop dealer after his completing 40 years of age. Therefore, respondent Nos.1 and 2 are directed to reconsider this aspect, take a decision and communicate the same to the petitioners within two months from the date of receipt of this order.

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

As a sequel to the disposal of the Writ Petition, WPMP No.5845 of 2008 is disposed of.

Justice C.V. Nagarjuna Reddy

Date : 14-10-2015

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