

HON'BLE SRI JUSTICE R. KANTHA RAO

Writ Petition No.6149 of 2015

ORDER:

Heard the learned counsel appearing for the petitioner and the learned Government Pleader for the Civil Supplies (AP).

2. This writ petition is filed seeking Writ of *Mandamus* declaring the action of the 2nd respondent in not disposing of the Appeal No.Roc.CS/1/19/Appeal/08 and the action of respondents 1 to 3 in not giving effect of the appointment of the petitioner for the dealer for Fair Price Shop No.52, Tekkinavarigudem Village, Jangareddygudem Mandal, West Godavari District, as illegal and arbitrary.

3. In response to the notification for filling up the post of Fair Price Shop dealership for Shop No.52 (reserved for BC General) in Tekkinavarigudem Village, Jangareddygudem Mandal, West Godavari District, the petitioner and 2 others applied for the post. In the selection process, the petitioner was selected and appointed as Fair Shop dealer by the 3rd respondent vide order dated 21.08.2008. The 4th respondent herein is the unsuccessful candidate in the selection. The grievance of the petitioner is that the 3rd respondent has not given effect to the order stating that the 2nd respondent-Joint Collector, granted stay of operation of the appointment order on 12.09.2008 in appeal No.Roc.CS/1/19/ Appeal/08, which was filed by the unsuccessful candidate-the 4th respondent herein. While so, the 4th respondent herein also filed WP No.20250 of 2008 before this Court and this Court dismissed the said writ petition for default. It is submitted by the learned counsel appearing for the petitioner that in WP No.20250 of 2008, the 3rd respondent herein filed a counter explaining the reasons for not selecting the 4th respondent herein. In any event, there is no stay granted by the Appellate Authority in the appeal preferred by the 4th respondent. However, the said appeal is still pending. In view of the pendency of the appeal, though the petitioner was appointed as fair price shop

dealer, he was not allotted the stock of essential commodities, as the 3rd respondent kept the order in abeyance.

4. Under these circumstances, the 2nd respondent-Joint Collector, West Godavari District, is directed to dispose of the appeal filed by the 4th respondent herein, in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

5. The writ petition is accordingly disposed of. Miscellaneous applications, if any, shall stand closed. No order as to costs.

R. KANTHA RAO, J

Date: 19.03.2015

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HON'BLE SRI JUSTICE R. KANTHA RAO

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