

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No. 455 of 2015

ORDER:

Heard learned counsel for the petitioners and learned Government Pleader for the respondents.

2. This writ petition was filed challenging the notification No.226/2013/C.S.C-1 dated 16.12.2014 issued by the 3rd respondent for filling up of the fair price shop dealers without earmarking reservation for women in allotment of fair price shops. The notification was issued for 19 fair price shops in Circle-1, 26 fair price shops in Circle-2 and 35 fair price shops in Circle-3. The said vacancies are sought to be filled up on permanent basis. This writ petition was filed on the ground that there was no reservation for women and the reservation of the shops earmarked for women was not mentioned in the notification.

3. Now a counter affidavit is filed indicating the shops earmarked for women which were already run by women. It is stated that in respect of Circle-1, there are 159 shops and 56 shops are being run by women which is beyond the permitted strength. Even if 19 new shops are taken into consideration, the total number exceeds 30%. Similarly, the information with regard to Circles-2 & 3 is furnished. In para 13 of the counter affidavit, it is stated that in all the three Circles, the percentage of reservation earmarked for women category is beyond 30% reservation stipulated for women.

4. Now, the learned counsel for the petitioners submits that in view of the averment made in para 13, the authorities ought not to have taken all the circles into consideration for the purpose of calculating the 30% reservation provided in the instructions for filling up of the vacancies, mentioned in G.O.Ms.No.4 dated 19.02.2011. This contention of the learned counsel is based on improper reading of the counter affidavit. The 3rd respondent filed the counter affidavit indicating the

number of shops that are being run in respect of each Circle and ultimately in para 13 it is mentioned that in all the three Circles, the percentage of reservation for women category, which is stipulated at 30%, was fulfilled. In view of the same, the writ petition is devoid of merits and is accordingly dismissed. However, this order will not prevent the petitioners from applying to the shops notified in the impugned notification and consideration of their applications by the competent authority in accordance with law.

Miscellaneous petitions, if any, pending in the writ petition shall stand closed.

There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

16th June, 2015

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