

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

WRIT PETITION No.27911 of 2008

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14.10.2015

Between:

J.Ashok Kumar Reddy

.. Petitioner

and

The District Collector, Chittoor and others

.. Respondents

Counsel for the petitioner: Mr.G.Sundaresan
for Mr.T.Janardhan Rao

Counsel for respondent Nos.1 to 4: Assistant Government Pleader
for Civil Supplies (AP)

Counsel for respondent No.5: --

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The Court made the following:

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ORDER:

This writ petition is filed for a *mandamus* to declare the action of respondent No.3 in appointing respondent No.5 as the fair price shop dealer of Jilledupalli Village, Bangarupalyam Mandal, Chittoor District, as illegal and arbitrary.

At the hearing, the learned counsel for the petitioner submitted that initially due to inadvertence the person described as respondent No.5 was not impleaded in the writ petition and W.P.M.P.No.37132 of 2008 was filed for seeking her impleadent. However, by order, dated 26.12.2008, this Court dismissed the said application along with W.P.M.P.No.36586 of 2008, which was filed for suspension of the order, dated 23.03.2002, of respondent No.3 appointing respondent No.5 as the permanent dealer. Therefore, the petitioner filed review W.P.M.P.No.41324 of 2011 for restoration of W.P.M.P.No.37132 of 2008. Today, by a separate order, the said review application has been ordered.

Admittedly, respondent No.5, who was appointed as the permanent fair price shop dealer, has been functioning as such for the last seven years. She was selected by respondent No.3 based on the superior marks obtained by her and was accordingly appointed in pursuance of the said selection. It has also come to the notice of this Court that some of the unsuccessful applicants have filed an appeal against the appointment of respondent No.5 and the same was dismissed. The petitioner has not even availed the remedy of appeal.

In these facts and circumstances of the case, I do not find any reason to interfere with the order, dated 23.03.2002, of respondent

No.3, appointing respondent No.5 as the fair price shop dealer.

The Writ Petition is accordingly dismissed.

C.V.NAGARJUNA REDDY, J

14th October, 2015
GHN