

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

WRIT PETITION NO.39023 OF 2012

DATED:11-06-2015

Between:

B. Vijay Kumar ... Petitioner

And

The Joint Collector, Guntur, Guntur District

and others

... Respondents

COUNSEL FOR THE PETITIONER: Mr. K. Srinivas

COUNSEL FOR RESPONDENT Nos.1 to 3: A.G.P. for Civil Supplies (AP)

COUNSEL FOR RESPONDENT No.4 : None appeared

THE COURT MADE THE FOLLOWING:

ORDER:

This writ petition is filed for a Mandamus to set aside the proceedings in Rc.No.3181/2012K, dt.24.12,2012, whereby he has appointed respondent No.4 as fair price shop dealer of Shop No.28 of Intur Village, Amruthalur Mandal, Guntur District.

The learned counsel for the petitioner submitted that as respondent No.4 has secured only 17 marks he was not eligible for being called for viva voce as per clause 2 of annexure to G.O. Ms. No.4, Consumer Affairs, Food and Civil Supplies (CS.I) Department, dt.19.2.2011 and that therefore his appointment is illegal.

Though *prima facie* the submission of the learned counsel for the petitioner is well-founded, it has come out at the hearing that the petitioner has simultaneously availed the remedy of appeal before respondent No.1 while filing the present writ petition. The petitioner is not entitled to avail parallel remedies. As the appeal before respondent No.1 is pending, I am not inclined to adjudicate this writ petition on merits.

Accordingly, the writ petition is dismissed without recording conclusive opinion on the merits of the case, with liberty to the petitioner to pursue the pending appeal before respondent No.1. Respondent No.1 is directed to dispose of the appeal within two months from the date of receipt of this order. Till the appeal is disposed of, the petitioner, who is continuing as the fair price shop dealer on temporary basis, shall be continued.

As a sequel to dismissal of the writ petition, interim order dt.19.12.2012 shall stand vacated and W.P.M.P. No.49521 of 2012 and W.V.M.P. No.1389 of 2013 shall stand disposed of as infructuous.

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C.V. NAGARJUNA REDDY, J

11-6-2015

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