

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No.37866 of 2013

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies appearing for the respondents.

The petitioner claims to be a resident of Godavarikhani Village of Ramagundam Mandal in Karimnagar District.

The second respondent-Revenue Divisional Officer, Peddapalli issued a notification on 20.11.2013 calling for applications for appointment of fair price shop dealer for shop No.4531 of Godavarikhani Village and the same was postponed to 23.12.2013. The notification contains vacancies of 10 fair price shop dealers and no shop was reserved for physically handicapped or to the scheduled tribes. As per G.O.Ms.No.4 Consumer Affairs, Food and Civil Supplies (CS.I) Department, dated 19.02.2011, the respondents have to follow the rule of reservation and 100 point roster. Challenging the appointment of fair price shop dealer of shop No.4531 of Godavarikhani Village, the present writ petition is filed.

A counter affidavit is filed stating that the vacancies arose due to death or cancellation of authorizations of the existing dealers. In view of the same, a notification was issued on 20.11.2013 calling for applications for filling up of dealerships in respect of 10 fair price shops. The fair price shop No.4531, Godavarikhani village was earlier reserved for BC and due to resignation of the former dealer, the said dealership was notified to BC candidate. If a shop was reserved previously for physically handicapped person, it would be reserved for the same category of person if a vacancy arises subsequently. The allegation of the petitioner that if the vacancy is notified as OC, the petitioner would have a chance to apply to the said vacancy was denied.

This Court at the time of admission of the matter on 24.12.2013 while directing to post the matter on 31.12.2013 directed both the parties to maintain *status*

quo. Thereafter, though the case underwent three adjournments, no orders have been passed and the present position is not known.

The issue of maintaining 100 point roaster arose due to issuance of G.O.Ms.No.4, dated 19.02.2011 and for the first time even before issuance of the said GO, several dealers were appointed and they have been continuing. In the instant case, no permanent register of reservations is being maintained. The respondents have to take the entire Revenue Division as a unit.

In the circumstances, the second respondent is directed to prepare a Permanent Roaster Register with 100 point roaster by taking the shops in each Mandal in alphabet-wise for entire Revenue Division and based on the same, a fresh notification shall be issued in respect of the vacancies that arose subsequent to the preparation of the roaster register. The existing permanent fair price shop dealers shall not be disturbed by virtue of preparation of the permanent roaster register. In that view of the matter, the impugned notification dated 20.11.2013 is set aside, but giving liberty to the second respondent to issue a fresh notification after preparation of the permanent roaster register.

The writ petition is allowed to the extent indicated above. There shall be no order as to costs. Miscellaneous Petitions, if any pending in this writ petition shall stand closed.

A. RAMALINGESWARA RAO, J.

Date: 05.10.2015

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