

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

WRIT PETITION NO.37039 OF 2012

DATED:24-06-2015

Between:

Shed Abdul Razak

... Petitioner

And

The District Collector
West Godavari District
At Eluru
and others

... Respondents

... Respondents

COUNSEL FOR THE PETITIONER: Mr. P.V.N.V. Sastry

COUNSEL FOR THE RESPONDENTS: A.G.P. for Civil Supplies (AP)

THE COURT MADE THE FOLLOWING:

ORDER:

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This writ petition is filed to declare the action of the respondents in reserving the fair price shop No.6 of Chintalapudi Village of West Godavari District, for the candidates belonging to Scheduled Tribe (ST), as illegal and arbitrary.

I have heard Mr. P.V.N.V. Sastry, learned counsel for the petitioner, and the learned Assistant Government Pleader for Civil Supplies (AP).

The petitioner's father was permanent fair price shop dealer of the shop in question. He died on 26.2.2011. Respondent No.2 has earmarked the resultant vacancy for ST category candidates. The petitioner feels aggrieved by his non-appointment in the place of his deceased father, and also reserving the vacancy for ST candidates.

At the hearing, learned Assistant Government Pleader for Civil Supplies (AP) on instructions submitted that as no interim order of stay was granted in this case, respondent No.2 has filled up the vacancy with a ST candidate on 15.11.2012 on permanent basis.

It has further come to light that during the pendency of this writ petition, the Government of Andhra Pradesh has issued G.O. Ms. No.4, dt.28.2.2014 providing for compassionate appointment for one of the family members of the deceased fair price shop dealers. To the ill luck of the petitioner, this policy was not in force when his father has died and the vacancy was filled up on permanent basis. Therefore, the appointment already made cannot be disturbed, more so when the appointee belongs to ST.

In this view of the matter, no relief can be granted to the petitioner. However, the petitioner is permitted to make a representation to respondent No.2 for consideration of his claim for compassionate appointment under G.O. Ms. No.4, dt.28.2.2014 and respondent No.2 shall consider the same in accordance with the said G.O. and communicate the same to the petitioner within two months from the date of receipt of such representation.

The writ petition is accordingly disposed of.

As a sequel to disposal of the writ petition, interim order dt.30.11.2012 shall stand vacated and W.P.M.P. No.46994 of 2012 shall stand disposed of as infructuous.

(C.V. NAGARJUNA REDDY, J)

24-6-2015

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