

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

WRIT PETITION No.39027 OF 2013

ORDER :

This Writ Petition is filed challenging the order dt.12.12.2013 of the 2nd respondent allowing an appeal filed by the 4th respondent under the provisions of the A.P. State Public Distribution System(Control) Order, 2008 and setting aside the order passed by the 3rd respondent vide proceedings Rc.No.6421/2012-B, dt.11.03.2013 and directing to again appoint suitable candidate for the fair price shop No.5 of Boggaram village, Ipuru Mandal, Guntur District on permanent basis.

2. Petitioner was fair price shop dealer of the said village. As per the Rules prevalent at the time of his appointment as per G.O.Ms.No.4, Consumer Affairs, Food & Civil Supplies (CS-I) Department, dt.19.02.2011, 50 % of marks had been allotted for interview and 50% marks had been allotted for written test. The petitioner had secured more marks than the 4th respondent.

3. However, the said Rules were challenged in W.P.No.7022 of 2013 and batch and by order dt.04.04.2013 the said Rules, which were contained in G.O.Ms.No.4, dt.19.02.2011 were quashed. This Court directed to fix 20 marks for interview while apportioning 80 marks for the written test and directed fresh rules to be framed on this basis.

4. In the impugned order, the said decision of this Court was applied by the 2nd respondent while setting aside the appointment of the petitioner. Therefore no exception can be taken to the impugned order passed by the 2nd respondent.

5. The learned Government Pleader for Civil Supplies states that after the orders were passed by this Court on 04.04.2013 in W.P.No.7022 of 2013 and batch, the Government has issued G.O.Ms.No.10, Consumer Affairs, Food and Civil Supplies (CS-I), Department, dt.28.05.2014 fixing 20 marks for interview and 80 marks for written test for selection as Fair Price Shop Dealer.

6. Although counsel for the petitioner contends that the petitioner should have been continued as fair price shop dealer till fresh appointments are made pursuant to the said G.O., I am unable to agree with the said submission.

7. Admittedly, alternative arrangements have already been made and have been in force since December, 2013. Therefore, at this point of time, the same cannot be disturbed, by again permitting the petitioner to continue as fair price shop dealer for the said shop. In this view of the matter, I do not find any merits in this writ petition.

8. Therefore, this Writ Petition is dismissed. However, the process of appointment of fair price shop dealer, on permanent basis, for the shop in question shall be done expeditiously, preferably within a period of eight (08) weeks from the date of receipt of a copy of this order and the petitioner is also entitled to participate in the said process. There shall be no order as to costs.

9. Consequently, Miscellaneous Petitions pending if any, shall stand closed.

M.S. RAMACHANDRA RAO, J

02nd November, 2015.

gra

