

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
WRIT PETITION No.1459 of 2012
Date:24.06.2015

Between:

N.Ramdas, S/o Narsa Goud

..... **Petitioner**

And:

State of AP., repled by its Secretary,
Civil Supplies Department, Hyderabad
and three others.

.....**Respondents**

Counsel for the Petitioner: Sri T.Niranjan

for Ms D.Pramada

Counsel for Respondents: AGP for Civil Supplies (TS)

The Court made the following:

ORDER:

This Writ Petition is filed for a *Mandamus* to declare the notification, vide B/2667/2004, dated 28.12.2011, issued by respondent No.4 for filling up the vacancy of fair price shop dealer in Mantoor Village, Doulatabad Mandal, Medak District on permanent basis, as illegal, arbitrary and unconstitutional.

I have heard Sri T.Niranjan, learned counsel representing Ms D.Pramada, learned counsel for the petitioner and learned Government Pleader for Civil Supplies (Telangana State).

The petitioner averred that he belongs to BC-B community; that he was initially appointed as fair price shop dealer on 07.02.2002; that he was issued licence in Form-B for purchase/sale/storage of schedule

commodities and kerosene; and that since then he is being continued as such.

The petitioner further averred that though there is no vacancy of fair price shop dealer in Mantoor Village, respondent No.4 has issued show cause notices on different occasions treating his appointment as temporary and called for explanation and that respondent No.4 without considering the explanation submitted by him, abruptly discontinued him as fair price shop dealer.

The petitioner further averred that respondent No.4 has got a news item published on 30.12.2011 stating that he has initiated steps for filling up the vacancies of 32 fair price shop dealers, for which notifications have been issued; and that his subsequent enquiries have revealed that a notification was already issued calling for applications from the interested candidates by 10.01.2012 and respondent No.4 has fixed 22.01.2012 as the date for conducting interviews. The petitioner further submitted that the respondents are bound to follow the procedure stipulated in G.O.Ms.No.52, dated 18.12.2008.

No counter-affidavit is filed by the respondents.

This Court on 20.01.2012 granted interim order.

At the hearing, learned Government Pleader for Civil Supplies (Telangana State) has submitted that in view of the said interim order, written test and interview have not been held.

Learned counsel for the petitioner submitted that as more than four years had elapsed since the impugned notification was issued, his client will be satisfied if respondent No.4 is directed to issue a fresh notification by following the roster system envisaged by G.O.Ms.No.4, dated 19.02.2011. He has further submitted that till the selection process is finalised and permanent appointment is made, the petitioner may be continued as the fair price shop dealer.

After hearing the learned Government Pleader, I

am of the opinion that it is not desirable to proceed with the selection process based on the impugned notification in view of long lapse of time from the date of issue of the said notification. Therefore, I find merit in the request of learned counsel for the petitioner to direct respondent No.4 to issue a fresh notification strictly in accordance with G.O.Ms.No.4, dated 19.02.2011 and complete the process of filling up the vacancy of fair price shop dealer in Mantoor Village within three months from the date of receipt of a copy of this order. Till this process is completed, the petitioner shall be continued as temporary fair price shop dealer.

Subject to the above observations and directions, the Writ Petition is disposed of.

As a sequel to disposal of the Writ Petition, interim order, dated 23.01.2012 is vacated and WPMP.No.1808 of 2012 is disposed of as infructuous.

*JUSTICE C.V.NAGARJUNA
REDDY*

*24th June, 2015
DR*