

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

WRIT PETITION No.40454 of 2012

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DATE: 04.06.2015

Between:

Vemula/Kothi Venkateswarlu

...Petitioner

and

The Revenue Divisional Officer, Jangaon and others

...Respondents

COUNSEL FOR THE PETITIONER : SRI A.PRABHAKAR RAO

COUNSEL FOR THE RESPONDENTS : GP FOR CIVIL SUPPLIES (TS)

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

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ORDER:

This Writ Petition is filed for a mandamus to declare the action of the respondents in seeking to fill up vacancy of fair price shop No.8 of Nellutla Village, Lingala Ghanpur Mandal, Warangal District on permanent basis in pursuance of notification No.H/2162/2012, dated 01.11.2012 issued by respondent No.1 as illegal and arbitrary.

I have heard Sri A.Prabhakar Rao, learned counsel for the petitioner and the learned Government Pleader for Civil Supplies (TS).

The petitioner claims to be the son-in-law of the permanent dealer of fair price shop No.8 of Nellutla Village who is since deceased. Claiming appointment as fair price shop dealer in the place of his deceased father-in-law on compassionate grounds, the petitioner has filed this Writ Petition.

The learned Government Pleader for Civil Supplies (TS) on instructions submitted

that in pursuance of the permission granted by this Court to proceed with the selection process without issuing appointment order, respondent No.1 has received the applications and on scrutiny thereof, he has found that none of the five applicants possesses required qualifications and in view of the same, selection process is kept pending. He further submitted that pending the Writ Petition, the Government has issued G.O.Ms.No.4, dated 28.02.2014 providing for appointment of one of the legal heirs of the deceased dealers as fair price shop dealers subject to fulfillment of certain conditions. He further submitted that under the said G.O., the compassionate appointment shall be confined to the legal heirs/heiresses. He also submitted that the petitioner being the son-in-law of the deceased fair price shop dealer, does not fall within the phrase 'legal heir' and that therefore, he is not entitled for consideration under the scheme of compassionate appointment.

Sri A.Prabhakar Rao, learned counsel for the petitioner while fairly conceding that a son-in-law does not fall within the expression of 'legal heir', however, submitted that the petitioner's wife being the daughter of the deceased fair price shop dealer is entitled for consideration and that since she did not have the required educational qualification of passing 10th class, she has not claimed the appointment. Learned counsel further submitted that as under G.O.Ms.No.4, dated 28.02.2014, three years time has been allowed for the legal heir to acquire the required educational qualification, she may be permitted to approach respondent No.1 with a request to consider her claim for appointment.

In the light of the above submissions of the learned counsel for the parties, the Writ Petition is dismissed by holding that the petitioner is not entitled to seek appointment as fair price shop dealer under G.O.Ms.No.4, dated 28.02.2014. However, liberty is given to the petitioner's wife to approach respondent No.1 with a request to consider her case for appointment under G.O.Ms.No.4, dated 28.02.2014. As and when such application is made, respondent No.1 shall consider the same in accordance with G.O.Ms.No.4, dated 28.02.2014, take a decision and communicate the same to the applicant.

As a sequel to dismissal of writ petition, WPMP.No.51308 of 2012 filed by the

petitioner for interim relief is disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

4th JUNE, 2015.

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