

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

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WRIT PETITION No.2249 of 2012

ORDER:

This writ petition is filed challenging the proceedings issued by the 1st respondent-Special Grade Deputy Collector-cum-Revenue Divisional Officer in C/2182/2010 dated 13.12.2011, whereby appointing the 2nd respondent as a Fair Price Shop Dealer under the reserved category of physically handicapped person.

Heard Smt P. Vijaya Lakshmi, learned counsel for the petitioner and the learned Government Pleader for Civil Supplies (T.G) and Sri G. Madhusudhan Reddy, learned counsel for the 2nd respondent.

It is the case of the petitioner that initially he was appointed as Fair Price Shop Dealer by the 1st respondent in his proceedings dated 03.12.2010, for the shop at Sharada Nagar Village, Uppal Municipality, Ranga Reddy District. Thereafter, on receipt of a complaint questioning the selection of the petitioner, the District Collector made an enquiry and after having found that there are certain violations in appointing the petitioner as Fair Price Shop Dealer, set aside the selection of the petitioner by his proceedings dated 03.12.2010. Further, the District Collector had directed the 1st respondent to conduct a de-nova enquiry about the selection process and appoint the Fair Price Shop Dealer. Consequently, after conducting the de-nova enquiry, the 1st respondent appointed the 2nd respondent as Fair Price Shop Dealer. Questioning the same, the petitioner filed the present writ petition.

Learned counsel for the petitioner submits that the 1st respondent had

violated the principles of natural justice while appointing the 2nd respondent as a Fair Price Shop Dealer and that the 2nd respondent even did not appear for the written examination and he also did not appear for the interview. He further submits that notwithstanding the same by ignoring the merit of the petitioner and particularly by not considering his being appointed earlier by proceedings dated 3.12.2010 of the 1st respondent, the 2nd respondent was appointed as a Fair Price Shop Dealer. Thus, the selection of the 2nd respondent is arbitrary and illegal and he prays to allow the writ petition as prayed for.

No counter-affidavits are filed by either of the respondents.

Having considered the rival submissions, one thing is clear that the petitioner did not challenge the proceedings dated 03.12.2010 issued by the District Collector cancelling his selection as Fair Price Shop Dealer. In other words, as the petitioner had no grievance about the finding recorded by the District Collector on earlier occasion about the cancellation of his appointment on the ground the first respondent overlooked the relevant criteria. Pursuant to the direction given by the District Collector, the first respondent took up a de-nova enquiry and after conducting the de-nova enquiry and after comparing with the other candidates who appeared for interview, the 2nd respondent was selected as more deserving candidate. The first respondent in his proceedings had recorded that the post of the Fair Price Shop Dealer is reserved for physically handicapped person. The first respondent also recorded another important aspect that the 2nd respondent is suffering from 80% disability as against the petitioner who is suffering with a disability of 40%. In other words among the petitioner and the 2nd respondent, the 2nd respondent was in more disadvantageous position on account of his disability. Further, the post of Fair Price Shop Dealer is only meant for a physically handicapped person. Obviously the only consideration which is relevant in the selection process is among the disabled candidates who require the support of the society so as to enable such person to survive by eking out his livelihood. Once it is not disputed that the 2nd respondent was suffering with 80% as disability as against the petitioner who is suffering with disability of 40%, there is no irrationality or

illegality in selecting the 2nd respondent for the purpose of allotting the Fair Price Shop Dealership license. Further as it was a fresh selection, the question of giving of any opportunity of hearing to the petitioner does not arise in the facts of the present case as it is only a selection process based on the criteria of disability. Even on that count also the writ petitioner does not succeed and the writ petition is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. No order as to costs.

The Miscellaneous Petitions pending, if any, shall also stand dismissed.

CHALLA KODANDA RAM,J

Date:20.11.2015.

Gk.

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

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