

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No.16140 of 2015

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies. The Writ Petition is being disposed of at the stage of admission with the consent of parties.

The petitioner was appointed as a fair price shop dealer of shop No.23 of P.Kattakindapalli Village, Irala Mandal, Chittoor District by proceedings dated 23.03.2006. The petitioner got married to Ms. S.Eswaramma in the year 2012. The wife of the petitioner was appointed as a Hostel Warden, and posted in Government Social Welfare Girls Hostel, Irala, by proceedings dated 30.09.2013. The third respondent submitted a report to the second respondent on 09.04.2015 about the fact that the wife of the petitioner was working as a Hostel Warden and, on the basis of the said report, the second respondent cancelled the authorization of the petitioner by proceedings dated 26.05.2014 (*sic.* 26.05.2015). Challenging the said order, the present Writ Petition is filed.

The petitioner himself stated that, at the time of appointment as a fair price shop dealer, he was not married and, subsequently, he married Ms. S.Eswaramma, who was appointed as Hostel Warden on 30.09.2013. The authorization of the petitioner was cancelled on the ground that his wife is working as a Hostel Warden. The petitioner himself admits the said fact in the Writ Petition. Whether the working of the wife of the petitioner disentitles him from continuing the dealership is a matter that can be enquired into by the competent authority, second respondent, by conducting an enquiry. It need not be preceded by an order of cancellation of authorization. If authorization is cancelled at this stage, it pre-supposes that the second respondent has come to the conclusion without conducting an enquiry.

In the circumstances, the impugned order of the second respondent dated 26.05.2015 to the extent of cancelling the authorisation is set aside. The second respondent is at liberty to conduct an enquiry with regard to entitlement of the petitioner to continue as dealer of the fair price shop even after his wife securing job as a hostel warden. The said enquiry shall be completed within a

period of three months after giving due opportunity to the petitioner.

The Writ Petition is allowed to the extent indicated above.

Miscellaneous petitions, if any, pending in this writ petition shall stand disposed of. No order as to costs.

A. RAMALINGESWARA RAO,J

Date:09.06.2015

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