

THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM
WRIT PETITION No.13891 OF 2016

ORDER:

The notification dated 01.04.2016 calling for applications from the eligible candidates for appointment as fair price shop dealer in respect of shop No.20 of Mangollu Village, Vastavai Mandal of Krishna District is challenged before this Court, on the ground that petitioner's father was the erstwhile fair price shop dealer and he died on 11.01.2016 and in terms of G.O.Ms.No.4 dated 28.02.2014, the legal heirs of the deceased-dealer are entitled to be appointed as a dealer on compassionate grounds. By issuing the impugned notification, the right of the petitioner was sought to be denied.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

It is not in dispute that the legal heir of the deceased-dealer is entitled for preferential treatment in terms of G.O.Ms.No.4 dated 28.02.2014 in appointment as fair price shop dealer. However, while considering the cases of legal heirs, in terms of para 6 of G.O.Ms.No.4, various aspects are required to be considered. In other words, G.O.Ms.No.4, though creates a right to be considered, such consideration is subject to fulfillment of the eligibility criteria. In that view of the matter, challenge to the notification by the petitioner cannot be entertained. However, interest of justice would be served if the appointing authority i.e. 3rd respondent is directed to consider the case of the petitioner strictly along with others and subject to petitioner's satisfying the conditions stipulated in G.O.Ms.No.4 and the petitioner shall be given preferential treatment in terms of G.O.Ms.No.4 dated 28.02.2014.

Subject to above observations, the writ petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in the Writ Petition shall stand closed.

Justice Challa Kodanda Ram

25th April, 2016.
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