

HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.10051 of 2008

ORDER:

1. The petitioner, who passed 10th class, is a member in Madhavi Self Help Group (DWACRA) of Darlapudi village. In respect of the said village, one vacancy arose which was earlier earmarked for open category. The 2nd respondent issued a notification inviting applications from the eligible candidates for appointment of fair price shop dealer earmarked for S.C. woman category by fixing the date for submission of applications as 30.04.2008 and for interviews as 01.05.2008. Challenging the reservation of the said shop for S.C. woman category, the present writ petition was filed.

2. This Court by order dated 01.05.2008 observed that any selection and appointment of fair price shop dealer in respect of shop No.1 of Darlapudi village, S.Rayavaram Mandal, Visakhapatnam District, shall be subject to the result of the writ petition.

3. Now a counter-affidavit is filed by the respondent stating that the vacancy for shop No.1 arose due to the resignation of the earlier dealer, Sri N.Ramamurthy, who belongs to OC category. As per the communal roster point at the time of notification, the said shop fell to the Scheduled Caste Woman quota and hence the Revenue Divisional Officer notified the vacancy for Scheduled Caste Woman. The communal roster will be prepared for the arising vacancy

treating the division as a unit. The guidelines issued by the Government in G.O.Ms.No.53, Consumer Affairs, Food and Civil Supplies (C.B.I) Department dated 06.10.2003 were followed while notifying the said vacancy. The notification was published in the notice boards of offices of the Revenue Divisional Officer, Mandal Revenue Officer, District Collector, M.P.D.O and in all the Gram Panchayats. Pursuant to the notification, one P.Suneetha Devi was appointed as fair price shop dealer after interview and she has been working for the last eight years. The rule of reservation was followed as mentioned in para-7 (1)(2)(3) of the G.O.Ms.No.53 dated 06.10.2003.

4. In the light of the above averments, the learned Counsel for the petitioner submitted that mere statement by the respondent in the counter-affidavit that the vacancy was notified for S.C. woman by taking the revenue division as a unit is not supported by any material and hence the notification should be held invalid.

5. A perusal of the counter-affidavit shows that the guidelines issued by the Government in G.O.Ms.No.53 dated 06.10.2013 were followed and the revenue division was taken as a unit for the purpose of calculating the vacancy. It is stated by the 2nd respondent that the procedure contemplated in the said G.O. was taken into account and the vacancy was notified for S.C. woman in conformity with the same. In view of the statement made by the 2nd respondent in the counter-affidavit and in the absence of any other material, this

Court sees no ground to interfere with the notification at this length of time.

6. The Writ Petition is accordingly dismissed. No order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

A.RAMALINGESWARA RAO, J

10-11-2016

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