

THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM
WRIT PETITION No.22946 OF 2016

ORDER:

This Writ Petition is filed for a Mandamus to declare the action of the 3rd respondent in terminating the dealership of the petitioner vide Proceedings in Roc.No.A3/2625/2016, dated 18.06.2016 as illegal, arbitrary and contrary to Clause 5(5) of the A.P. State Public Distribution System (Control) Order, 2008 (in short "Control Order") and set aside the same and consequently for direction to the 3rd respondent not to fill up the vacancy of the Fair Price Shop No.39 (Urban), Madanapalle, Chittoor District in pursuance of the Notification in Rooc.No.A3/2911/2016, dated 21.06.2016

The claim of the petitioner is that she was appointed as a Fair Price Shop dealer on temporary basis, in respect of the above-said shop, however, her authorization was cancelled by the 3rd respondent-Sub-Collector, Madanapalle, vide proceedings dated 18.06.2016, against which she filed an appeal before the 2nd respondent-Joint Collector, Chittoor on 02.07.2016 and the same is pending consideration. Further, it is the contention of the petitioner that due to political influence immediately after serving the cancellation Orders the respondent authorities have issued a Notification dated 21.06.2016 to appoint a dealer on permanent basis to the above-said shop. Hence, the Writ Petition.

Heard learned Government Pleader for Civil Supplies (Andhra Pradesh).

Evidently, the authorization of the petitioner was cancelled by an order dated 18.06.2016, thereafter she filed an appeal before the 2nd respondent on 02.07.2016, which is subsequent to issuance of the Notification, but the petitioner has not obtained even an order of stay. Therefore, interest of justice would be served, if a direction is issued to the 2nd respondent-Joint Collector to dispose of the appeal filed by the petitioner within four weeks from the date of receipt of a copy of this

order.

So far as challenge to the Notification dated 21.06.2016 is concerned, pertinently there is no vested right on the petitioner to seek for its appointment as Fair Price Shop Dealer on permanent basis. In those circumstances, the challenge to the notification does not survive. However, the only course left open to the petitioner is to participate in the selection process. Therefore, considering the facts and circumstances of the case and submissions made by the learned counsel for the petitioner, the Writ Petition is disposed of with a direction to the respondents to continue the petitioner as fair price shop dealer for the shop in question until the appointment of a new dealer in terms of the notification dated 21.06.2016. The petitioner may also participate in the selection process, subject to her satisfying the eligibility criteria, and the respondent-authorities may consider the case of the petitioner by giving preference on account of her previous experience put in running the fair price shop since 2008.

With the above observations this Writ Petition is disposed of. There shall be no order as to costs.

Consequently, the Miscellaneous Petitions, if any, shall also stand closed.

CHALLA KODANDA RAM, J

Date:15.07.2016

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