

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 19988 of 2016

ORDER:

The petitioner was appointed as the fair price shop dealer of Shop No. 30 (previous shop No. 43) of Mallayyaguntakatta, Tirupati Urban Mandal, Tirupati Division, Chittoor District, on 01.12.2011, on temporary basis, and since then she has been discharging the functions as such to the satisfaction of the cardholders. Now the case of the petitioner is that the 3rd respondent Sub-Collector, Tirupati Urban, vide notification dated 16.06.2016, has notified the said shop to be filled-in by the candidate belonging to BC-B(W), on permanent basis. Though the petitioner, it is stated, tried to put-forth her grievance, the 3rd respondent has not given her any opportunity and is proceeding with the selection process. The petitioner belongs to BC-A category and if the process, as intended under the impugned notification, dated 16.06.2016, has been undertaken, she would be deprived of her livelihood, is the main grievance, which is made out in this Writ Petition. Hence, she seeks setting-aside of the impugned notification.

Learned counsel for the petitioner strenuously contends that the petitioner has been discharging the duties as the fair price shop dealer, though on temporary basis, without any complaint from the card-holders, hence, keeping that fact in view and also the age constraint, the 3rd respondent ought to have continued her on permanent basis.

Learned Government Pleader for Civil Supplies (Andhra Pradesh) submits that in terms of the policy decision announced in G.O.Ms. No. 4, dated 19.02.2011 and pursuant to the directives issued by this Court, following the roaster system, the subject shop has been reserved for the candidates belonging to BC-B(W) community, hence, the impugned notice cannot be said to be illegal.

Here, as rightly submitted by the learned Government Pleader, it is to be noted that the 3rd respondent has issued the notification dated 16.06.2016, pursuant to the policy decision taken and the guidelines issued by the government from time to time regarding reservation to be followed while filling-up the vacancies of fair price shop dealers, for which no *mala fides* can be attributed to him. On this ground alone, the relief prayed for in this Writ Petition can straightaway be rejected.

However, since the petitioner requests her case to be considered keeping in view the length of service rendered by her as the fair price shop dealer, it would be appropriate to direct that her case may be considered by the 3rd respondent, on preferential basis, with respect to the other fair price shops, subject to her fulfilling other conditions and eligibility criteria. Ordered accordingly.

It is needless to mention that till a fair price shop dealer is appointed, on permanent basis, the petitioner shall be allowed to discharge the functions as such.

With this, the Writ Petition stands disposed of. No costs.

Consequently, the Miscellaneous Applications, if any shall also stand disposed of.

CHALLA KODANDA RAM, J.

04th July 2016
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