

THE HON'BLE SRI JUSTICE S.V. BHATT

WRIT PETITION No.22909 of 2011

ORDER:

Petitioners challenge the proceedings No.183/B-2/2011 dated 27.07.2011 of the third respondent as illegal, arbitrary and vitiated by extraneous considerations.

2. The circumstances relevant for the disposal of the writ petition are as follows:

On 02.07.2011, the third respondent directed the Fisheries Development Officer, Vinukonda to conduct skill test to both groups active in the fifth respondent society. The communication of the third respondent reads thus:

“Endt.No.183/B/2011, dt:2.7.2011 Office of the Asst. Director of
Fisheries, Guntur.

The Fisheries Development Officer, Vinukonda is hereby instructed to initiate process to conduct skill test to both groups i.e., (38+24) for getting admission in to Epuru Fishermen Cooperative Society and declare the qualified eligible members subject to availability of the water spread area by giving priority to the poorest among the poor fishermen and submit report at the earliest.

Asst. Director of Fisheries,
Guntur.

To
The Fisheries Development Officer,
Guntur.”

3. The managing committee of the fifth respondent society submitted representation to the Hon'ble Minister for Fisheries.

The Minister, in turn, as admitted by the learned counsel for the parties, issued oral instructions to the third respondent not to conduct skill test directed to be conducted out by the Fisheries Development Officer, Vinukonda. Reasoning and the conclusion in the impugned order is well appreciated by excerpting the operative portion therefrom:

“In view of the oral instructions of the Hon'ble Minister for Fisheries, A.P., Hyderabad and the Commissioner of Fisheries, A.P., Hyderabad on 23-07-2011 and the minutes of the General Body and Managing Committee of the Epur Fishermen Cooperative Society in the reference 2nd and 3rd cited, and the request made by the Fisheries Development Officer, Vinukonda in the reference 5th cited and the instructions of the Dy. Director of Fisheries, Guntur in the reference 6th cited, the 38 members who have already been admitted by the General Body of the Epur Fishermen Cooperative Society, their membership has been ratified and permitted them to continue as members in the Epur Fishermen Cooperative Society, Epur. As the newly admitted 38 members paid their admission fee, share capital and thrift so that action done by the Epur Fishermen Cooperative Society has been ratified as per Bye law of the Epur Fishermen Cooperative Society, Epur. The list of 38 members who have been ratified according to the references mentioned above is enclosed with.”

Hence, the writ petition at the instance of ten petitioners.

4. This Court, on 12.08.2011, granted interim suspension of the proceedings dated 27.07.2011.

5. Learned counsel for respondents did not justify the impugned proceedings for two reasons viz. that there has been suspension of impugned proceedings from 2011 till date and also that the observations in the impugned proceedings cannot and could not be sustained on sound administrative law principles.

Hence, this Court is relieved from considering and deciding the *lis* on merits.

6. Mr. Srinivasa Rao B., appearing for the fifth respondent society, submits that on 27.07.2012 skill test was conducted and a few of the petitioners are also accommodated. As on date, according to the available acreage of the tank vis-à-vis members, only five more persons can be enrolled as members of the society. He further submits that test can be directed to be conducted to enrol five eligible members. Counsel appearing for petitioners, however, submits that he is unaware of further developments in the matter.

7. From the above circumstances, it is clear that the impugned proceedings was, at the first instance, suspended by this Court and secondly, the skill test was conducted on 27.07.2012, a few from out of 38 contenders were accommodated and still a few slots are available for enrolling new members. Hence, the writ petition is disposed of by this order:

1. The interim order granted on 12.08.2011 is made absolute.
2. The third respondent is directed to conduct skill test for the balance of members i.e. $88-83=5$ within two (2) months from the date of receipt of copy of this order.
3. Petitioners, who are not members, as on date, shall be given liberty to participate in the skill test.

The writ petition is disposed of as indicated above. As a sequel, the miscellaneous applications, if any pending, shall stand closed. There shall be no order as to costs.

S.V. BHATT, J

June 24, 2016
DSK