

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 20982 of 2016

ORDER:

Notification dated 21.06.2016 issued by the 4th respondent Revenue Divisional Officer, Madanapalle which sought to fill the vacancy of the fair price shop dealer for shop No. 39, Madanapalle Urban, Chittoor District, on permanent basis, is questioned in the present Writ Petition.

The claim of the petitioner is that she was appointed as a fair price shop dealer in respect of the above-said shop, however, her authorization was cancelled, vide proceedings, dated 13.12.2010. She unsuccessfully challenged the said proceedings before the Appellate and the Revisional Authorities. By raising several other grounds, the petitioner also filed Writ Petition No. 8996 of 2013. This Court, while admitting the Writ Petition, by its order dated 26.03.2013, made it clear that any appointment made in place of the petitioner would be subject to the result of the Writ Petition and the same is pending consideration.

According to the learned counsel for the petitioner, pending consideration of the *lis*, issuance of the impugned notification inviting applications to fill the vacancy of the fair price shop dealer for the subject shop, on permanent basis, is not at all justifiable.

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

Evidently, the authorization of the petitioner was cancelled by order dated 13.12.2010. Thereafter, the efforts made by the petitioner to get her authorization revived, did not fructify. Ultimately, she is before this Court in Writ Petition No. 8996 of 2013, which is pending consideration. Not even an order of stay has been obtained in her favour. In the Writ Petition, this Court observed that any appointment made in the place of the petitioner would be subject to the outcome thereof. In this fact scenario, I am of the opinion that on mere

anticipation that there is likelihood of the petitioner succeeding in the Writ Petition, the vacancy of the fair price shop dealer cannot be kept unfilled, thereby causing inconvenience to the card-holders. Hence, the action of the 4th respondent in notifying the vacancy to be filled-up on permanent basis, cannot be found fault with. On this ground alone, the Writ Petition does not deserve any consideration. Accordingly, it is dismissed.

It is needless to mention that consideration of the case of the petitioner for appointment as a fair price shop dealer depends on the outcome of the Writ Petition. No costs.

Consequently, the Miscellaneous Applications, if any shall also stand dismissed.

CHALLA KODANDA RAM, J.

30th June 2016

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