

THE HON'BLE DR. JUSTICE B.SIVA SANKARA RAO

WRIT PETITION No.18483 OF 2017

ORDER:

This writ petition is filed, under Article 226 of the Constitution of India, for the following relief:

“to issue order or direction more particularly in the nature of Writ of Mandamus to declare the inaction on the part of the 3rd respondent in considering the case of the petitioner as a Fair Price Shop No.18 of Marripalli Village of SR PUram Mandal, Chittoor District, on permanent basis in the place of temporary dealer by considering her case amounts to erroneous, arbitrary and violative of Article 14, 15 and 21 of the Constitution of India and consequently direct the 3rd respondent to appoint the petitioner as permanent fair price shop dealer for the said shop in the interest of justice.”

2. Heard learned counsel for the petitioner and learned Assistant Government Pleader for Civil Supplies representing the respondents, before admission and perused the writ petition affidavit and also the other material on record.

3. There is undisputedly a notification vide R.O.C.B/1989/2017, dated 01.05.2017, was issued by the Revenue Divisional Officer, Chittoor, pursuant to the writ petition order in W.P.No.21717 of 2015 and batch, dated 28.10.2015, notifying the eligibility of the dealership on permanent basis to S.C. (woman) category.

4. The petitioner claims in the present writ petition as belongs to that reservation category and already applied pursuant to said notification. Once such is the case, this Court cannot direct that petitioner is entitled by virtue of the temporary dealership continues, to be appointed on permanent basis but for to say, the respondents in the course of consideration can give reasonable weight to the experience of the petitioner from running of the shop on temporary basis if she is at par with any of other eligible candidates in all other respects if at all in the zone of consideration from qualifying in the written examination.

5. With the above direction, this writ petition is disposed of. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence. No order as to costs.

DR.B.SIVA SANKARA RAO,J

08.06.2017

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