

**HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO**

**W.P.No.34097 OF 2017**

**ORDER**

Heard learned counsel appearing for the petitioner and learned Government Pleader for Civil Supplies appearing for the respondents.

The petitioner claims to have been appointed as dealer of shop No.13, Chennur Village, Sirvel Mandal, Kurnool District, on permanent basis, by proceedings dated 10.4.2010. The authorization of the petitioner, is being renewed from time to time, and is valid upto 31.03.2018. While so, when the 3<sup>rd</sup> respondent issued the impugned notification on 3.10.2017 inviting applications in respect of various shops including shop No.13, the present writ petition is filed on the ground that the said notification is void as there is no vacancy existing as on that date.

Learned Government Pleader, based on instructions, submits that the petitioner was appointed in the year 2010 and his appointment was challenged by one G.Saraswathi in W.P.No.1949 of 2011. The said writ petition was taken up for consideration, along with other writ petitions, by this Court as the common point raised in all the writ petitions related to the selection process adopted by the appointing authorities, and

while allowing the said writ petitions, this Court set aside the appointments already made *vide* order dated 24.3.2011. The relevant portion of the order reads as under:

“For all the mentioned reasons, all the writ petitions are allowed. The selection and appointments of the contesting respondents are set aside, with the following directions:

1. The appointing authorities shall issue a common notification for all the vacancies pertaining to the shops, which are subject matter of these writ petitions.
2. The method of selection laid down in the Annexure to G.O.Ms.No.52, dated 18.12.2008, shall be scrupulously followed;
3. The State Government is directed to issue appropriate directions to all the Collectors (Civil Supplies) in the State to get a hundred point roster in each District prepared fixing reservations similar to Rule (22) (E) (e) of the A.P. State and Subordinate Service Rules, 1996.
4. The appointing authorities, in consultation with the Collector, (Civil Supplies) of the District concerned, shall, after preparation of the roster, identify the shops for the reserved categories on the basis of such a roster;
5. The above exercise shall be completed within a period of three months from the date of receipt of this judgment; and
6. Till completion of process of fresh selections and appointments, *status quo* as on today shall be maintained in respect of running of the fair price shops in question.”

Though the petitioner was continuing by the date of the above said order, the impugned notification having been issued pursuant to the said order, it is open to him to participate in the selection process and he cannot challenge the same. The petitioner shall be continued till fresh appointment is made in pursuance of the notification, in respect of shop No.13, Chennur Village, Sirvel Mandal, Kurnool District.

Accordingly, the Writ Petition is disposed of. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

*23<sup>rd</sup> October, 2017*  
*rkk*

**JUSTICE A.RAMALINGESWARA RAO**

