

**THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN**

**AND**

**THE HON'BLE DR JUSTICE SHAMEEM AKTHER**

WRIT APPEAL NO.229 OF 2010

**JUDGMENT:** {Per the Hon'ble the Acting Chief Justice Ramesh Ranganathan}

This appeal, under Clause 15 of the Letters Patent, is preferred against the orders passed by the learned Single Judge in WP.No.24239 of 2009 dated 09.03.2010.

The appellant herein is the petitioner in the Writ Petition. The said Writ Petition was filed questioning the notification dated 02.11.2009 issued by the Sub-Collector, Vijayawada whereby applications were invited from interested candidates to apply for Fair Price Shop dealerships. The Writ Petition was dismissed holding that, as the petitioner did not apply for regular appointment pursuant to the impugned notification, they could not question the action of the second respondent in issuing the notification. Aggrieved thereby, the present appeal.

While admitting the Writ Appeal on 15.04.2010, interim stay was granted. It is not in dispute that, pursuant to the said interim order, the petitioners continue to run the Fair Price Shop.

Learned Government Pleader for Civil Supplies would submit that, as the petitioner continues to operate the Fair Price Shop, pursuant to the interim order passed earlier, for the past seven years, it would suffice if the respondents are granted liberty to issue a notification afresh inviting applications; and it is always open to the petitioner to submit their application thereto. Learned counsel for the petitioners expresses consent for such an order being passed.

We consider it appropriate, therefore, to modify the earlier order, and to permit the respondents to issue a notification afresh inviting applications for being appointed as Fair Price Shop dealers. It is open to the petitioners to submit their application in terms of such a notification. Till fresh selections are made pursuant to such a notification, interim order passed earlier shall continue to remain in force.

The Writ Appeal stands disposed of, accordingly. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

**(RAMESH RANGANATHAN, ACJ)**

**(DR. SHAMEEM AKTHER, J)**

16<sup>th</sup> March 2017  
RRB

