

THE HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.955 of 2015

ORDER:

The present Writ Petition came to be filed seeking issuance of writ of Mandamus declaring the impugned notification bearing Ref.No.D/ 588/ 2014, dated 07.01.2015 issued by the third respondent inviting applications for filling up the post of Fair Price Shop Dealer of A.Pottannavaripalli Village, Pullampeta Mandal, Kadapa District, without following the roster and rule of reservation, as illegal and arbitrary.

2. The petitioner, who belongs to SC Community Mala Caste and permanent resident of Papakkagaripalli Village, Ananthasamudram Revenue Village, Pullampeta Mandal, YSR Kadapa District, passed SSC and intermediate and thus became eligible and qualified for the Fair Price Shop Dealership. It is stated that the notification issued vide Ref.No.D/ 588/ 2014, dated 07.01.2015, for filling of the Fair Price Shop situated at A.Potannavaripalli, Pullampeta Mandal, YSR Kadapa District and two other shops in Pullampeta Mandal, on account of bifurcation of the existing fair price shop at Pedduru Village, reserving the same for BC. It is stated that the petitioner applied for fair price shop dealership of A.Potannavaripalli Village. The claim of the petitioner is that the third respondent without maintaining the roster and without following the rule of reservation has given go-bye to all the rules and guidelines specified by the Government as well as the circular issued by the Commissioner, Civil Supplies at the behest of the local political leaders and reserved the Fair Price Shop at A.Puttannavaripalli to B.C. It is the case of the petitioner that his application came to be rejected and hence the present writ petition came to be filed challenging the impugned notification.

3. It is the case of the petitioner that as the percentage of Scheduled Castes (SCs) is highest in the said village, reservations should have been provided by treating the entire revenue division as a unit. The same is strenuously opposed by the contesting respondent as well as the Government Pleader.

4. A detailed counter came to be filed explaining the procedure in fixing roster points, making of allotments by following the rules and reservations. It may be true that the percentage of population belonging to SC category in the said village are more than others, but a separate procedure has been contemplated for such allotment. G.O.Ms.No.4, dated 19.02.2011, prescribes procedure for filling up the vacancies. As per para 7.3 of the said G.O., the revenue division is the unit for reservation of fair price shops and 100 point roster has to be followed. It is stated that the impugned notification was issued for filling up three vacancies in Pullampet Mandal. Out of the three vacancies, shop No.23-A of A.Puthanavaripalli Village, Pullampet Mandal, is notified for BC Category, whereas the petitioner who belongs to SC category, filed this writ petition, without any eligibility. The roster points placed before the Court are in accordance with G.O.Ms.No.4. The averments in the affidavit filed along with vacate stay application further indicate that pursuant to the said notification, written test was held and interview has to be conducted for selection of candidate in respect of A.Puthanavaripalli Village, Pullampet Mandal. It is further stated that the present strength of fair price shop dealers is more than the prescribed reserved of 15 % i.e., 67 SC dealers are functioning against the prescribed quota of 64 in Revenue Division of Rajampet. Whereas, 96 fair price shop dealers are functioning as against the prescribed strength of 107 fair price shop dealers, as per rule of reservation in Rajampet Revenue Division. Thus, to fill up the existing vacancies, where there is a shortfall of reserved category of BC, notification has been issued earmarking the fair price shop of

A.Pothunavaripalli Village for BC Category. Moreover, the newly created fair price shop of A.Ptohunavaripalli Village, as per the roster prepared subsequent to issuance of notification dated 07.01.2015, is earmarked to OC category. Therefore, the claim of the petitioner that the fair price shop of A.Pothunavaripalli Village to be filled up with SC category is unsustainable and the petition is liable to be dismissed.

5. In view of the contentions raised in the counter affidavit, which clearly indicates that the allotment was made by following rules and reservations, I see no merits to entertain the writ petition and the same is liable to be dismissed.

6. Accordingly, the writ petition is dismissed. There shall be no order as to costs.

Miscellaneous petitions, pending if any, shall stand closed in the light of this final order.

15.03.2017
vnb

JUSTICE C. PRAVEEN KUMAR

