

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.39686 OF 2016

ORDER:

The case of the petitioner is that he is the permanent resident of Yedira, Ward No.4, Mahabubnagar Town & District and completed computer training i.e., PGDCA course and being unemployed, has started internet centre for eking his livelihood at Yedira, Ward No.4 and running the same. While so, in the month of August, 2015 the respondent authorities invited applications from the eligible candidates for setting up of new Mee Seva center in Mahabubnagar town, and the petitioner being an un-employee and having computer training certificate, submitted application dated 07.08.2015 to the 5th respondent requesting to sanction Mee Seva centre to him at his native village i.e. Yedira, Ward No.4, Mahabubnagar Town & District. Thereafter, the 5th respondent got enquired through MRI of Mahabubnagar Mandal and forwarded a proposal vide letter No.D/3336/2015, dated 19.08.2015 along with required proforma to the 4th respondent. After receipt of proposal from the 4th respondent, the 4th respondent has addressed letter No.J/3163/2013, dated 20.08.2015 to the 3rd respondent recommending to sanction new Mee Seva centre at Yedira, Mahabubnagar Town. Even after receipt of recommendation and proposals from the respondents 4 & 5, the respondent No.3 has not sanctioned the new Mee Seva centre to the

petitioner till the month of September, 2016. After a lapse of one year, the 3rd respondent has issued proceedings No.D2/4092/2012, dated 07.10.2016 sanctioning six (6) Mee Seva centres in Mahabubnagar Town requesting the 6th respondent to instruct the respondent No.7 to execute the agreement with the individuals. In the said proceedings there is a column showing the village and ward number sanctioned to that particular individual. Except to the petitioner, the respondents have clearly stated the town name and ward number that were sanctioned to the individuals for establishing Mee Seva centre, in the said column. The respondents though have sanctioned Mee Seva centre to the petitioner, have not stated the Ward Number and Village name in the said column. They have only stated Mahabubnagar town in petitioner's case. As such, the petitioner approached the 3rd respondent for rectification of the same, but the concerned authorities advised him to approach the 7th respondent for execution of agreement by paying requisite fee by way of Demand Draft. As per their instructions the petitioner obtained Demand Draft dated 14.10.2016 for Rs.26,350/-in favour of 6th respondent and approached the 7th respondent for submitting required certificates along with demand draft. But, the 7th respondent vehemently refused to receive petitioner's certificate and demand draft and informed the petitioner that the office of 3rd respondent instructed them not to execute the agreement

with the petitioner, as there is no name of sanctioned village and ward number in the proceedings dated 7.10.2016 at serial No.2. The petitioner learnt that the 3rd respondent has sanctioned Mee Seva center to the 8th respondent at Yedira, Ward No.4, Mahabubnagar Town whose name is appearing at serial No.3 of the proceedings dated 7.10.2016. Aggrieved by the same, the petitioner filed WP.No.35673 of 2016, questioning the action of the 3rd respondent in not mentioning the ward number or village number against the name of the petitioner in proceedings dated 07.10.2016, and the same was dismissed as withdrawn on 21.10.2016 granting liberty to the petitioner to represent before respondents. Thereafter, when the petitioner approached the 3rd respondent for submitting his representation dated 22.10.2016, they have handed over the 'Endorsement' vide No.D2/4092/2012, dated 12.10.2016, wherein the 3rd respondent directed the petitioner to inform the ward in which the petitioner wants to establish the center within three days. Aggrieved by the action of the respondents in not considering the petitioner's application dated 22.10.2016 for rectification of defect in proceedings dated 07.10.2016 at serial No.2, and in issuing an Endorsement dated 12.10.2016 asking the petitioner to inform the Ward number in which he wants to establish the centre and in sanctioning Mee Seva center to the 8th respondent at Ward No.4, Yedira, under political pressure, present writ petition is filed.

The 3rd respondent filed counter stating that the petitioner has been sanctioned Meeseva centre at Mahabubnagar town vide Ref.No.D2/4092/2012, dated 07.10.2016 and was directed vide reference No.D2/4092/2012, dated 12.10.2016 to offer his consent where he intends to establish meeseva centre, out of the wards where meeseva centers have not yet sanctioned in Mahabubnagar town. It is further stated that the petitioner has not expressed his opinion and ward number where he intends to establish meeseva center and that soon after receipt of consent letter the request of the writ petitioner will be considered.

Learned counsel for the petitioner submits that petitioner has made all arrangements for establishment of Mee Seva center at Yedira, Ward No.4, Mahabubnagar town and that respondents 4 and 5 recommended the case of the petitioners. He also submits that though the petitioner made application on 07.08.2015, whereas the 8th respondent made application in February, 2016, ignoring the case of the petitioner, 8th respondent was selected for establishment of Mee Seva center at Ward No.4 of Mahabubnagar town, without giving any reasons, basing only on the recommendation of local MLA. He also submits that though the Commissioner, ESD (Meeseva) vide proceedings dated 15.12.2016 stated that injustice is caused to the petitioner

and requested the Joint Collector, Mahabubnagar District to consider the request of the petitioner and allot Mee Seva franchisee at Yedira, 4th ward, the 3rd respondent has not considered the application of the petitioner for rectifying the same. He further submits that the 3rd respondent cannot unilaterally choose candidates under political influence.

Heard learned Assistant Government Pleader for Revenue who submits that though, in pursuance to the proceedings dated 07.10.2016, the petitioner was issued proceedings dated 12.10.2016 asking to select the ward where he intends to establish meeseva center out of the wards where Meeseva centers have not yet sanctioned in Mahabubnagar town, petitioner has not chosen to give his consent, but, instead filed this writ petition.

Though notice is issued to the 8th respondent in the address given, the same was returned with an endorsement "continuously absent for seven days". As such, notice is deemed to be served on the 8th respondent.

According to proceedings issued by the Commissioner, ESD (MeeSeva), Hyderabad dated 15.12.2016, the petitioner made application for establishment of Mee Seva on 07.08.2015, whereas the 8th respondent made application on 16.02.2016; and it is not known why the petitioner was not chosen for Yedira, ward No.4, though petitioner submitted

application on 07.08.2015 i.e. before submission of application by the 8th respondent. Even in the counter it is not stated what is the criteria followed in selecting the 8th respondent for Ward No.4 of Yedira. This goes to show that the 3rd respondent has not followed any procedure. In view of the same and since the petitioner was already selected by the respondents vide proceedings No.D2/4092/2012, dated 07.10.2016 and since it is stated that population of Yedira village is more than 10,000, and petitioner can also be accommodated in the said place, and there is no bar for establishment of another Mee Seva at Ward No.4 of Yedira, there shall be direction to the 3rd respondent to issue necessary proceedings permitting the petitioner to establish Mee Seva Centre at Ward No.4 of Yedira, Mahabubnagar town, Mahabubnagar District, within a period of three weeks from the date of receipt of a copy of this order.

Accordingly, the writ petition is disposed of. No order as to costs.

As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY, J

08.03.2017
tk