

HONB'E SRI JUSTICE CHALLA KODANDARAM

WRIT PETITION No.4103 OF 2010

ORDER:

The writ petition is filed questioning the action of the 1st respondent in issuing the proceedings dated 05.02.2010 by reserving the vacancy of Shop No.25 of Chadivevandlapalle, H/o. Musalikunta Village, Peddamandyam Mandal, Chittoor District to the Schedule Tribe candidates, as illegal and arbitrary.

The facts are not in dispute. As can be seen from the material placed before this Court as well as on hearing the arguments advanced by the learned counsel for the petitioner that the petitioner was appointed as a Fair Price Shop Dealer of Shop No.25, Musalikunta Village Peddamandyam Mandal, Chittoor District, by the 2nd respondent, on a temporary basis, by the proceedings dated 27.07.2009. Thereafter, a notification dated 05.02.2010 was issued by the respondents calling for appointment of a permanent dealer for the above said shop and it was specifically reserved for the schedule tribe categories.

It is the contention of the learned counsel for the petitioner that there are already number of fair price shop dealers belonging to schedule tribe category and as such the reservation is not required and whereas there are no adequate representation for the woman members for the society.

The first respondent had filed a counter-affidavit specifically setting out with the figures of various dealers functioning in the District of Chittoor, which reads as under:

Sl.No.	Category Details	Category wise reservation to be flowed in the division	At the time of notification category wise No. of dealers in the division.	Number of dealers notified	Category wise number of F.P. shop to be filled.
1	Scheduled Caste	180	183	0	0
2	Scheduled Tribe	72	37	0	35
3	Backward class	301	303	0	0
4	Physically Handicapped	37	11	0	26
5	Women	361	454	0	0

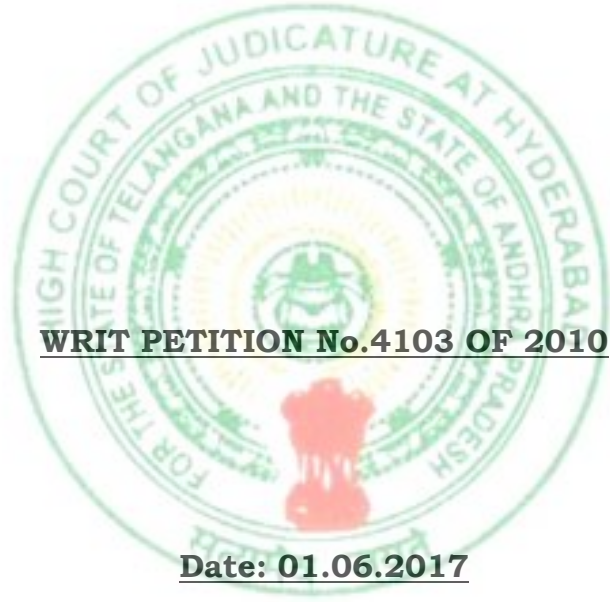
As can be seen from the above table, there is shortage of schedule tribe members in the District, who are otherwise eligible to be appointed as Fair Price Shop Dealers. Whereas with respect to the woman candidates as against 361 candidates, there are 454 dealers in the said category. In the facts and circumstances of the case, there being no dispute with respect to the figures and there being proper representation for the woman candidates, there are no merits in the writ petition.

Accordingly, the writ petition is dismissed. No order as to costs. Miscellaneous petitions, if any pending in this writ petition shall stand closed.

CHALLA KODANDARAM,J

Date:01.06.2017.
Gk.

HONB'E SRI JUSTICE CHALLA KODANDARAM



Gk.