

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.35097 of 2017

ORDER:

The petitioner's father – Sri Kommineni Kotaiah, was appointed as a fair price shop dealer of Shop No.7, Ravipadu Village, Pedanandipadu Mandal, Guntur District, and he worked as such for more than four decades. However, the dealership of the petitioner's father was cancelled and challenging the same, the petitioner's father, when he was alive, filed W.P.No.11801 of 2016 and during the pendency of the said Writ Petition, he passed away on 09.01.2017. In view of the death of the father of the petitioner, the Writ Petition was ultimately disposed of on 16.03.2017 giving liberty to the petitioner to make an application for consideration of his case for appointment as a dealer consequent to the death of his father. Accordingly, the petitioner submitted an application to the second respondent for appointment on compassionate ground and when the said application was not considered he filed W.P.No.10668 of 2017 and the said Writ Petition was disposed of on 24.03.2017 directing the authorities to consider his application within three months. Pursuant to the said order, the second respondent passed an endorsement on 15.09.2017 stating that the petitioner's case cannot be considered for appointment as a dealer on compassionate ground as he has crossed the age limit prescribed in G.O.Ms.No.52, dated 18.12.2008. It is also stated that after

issuing the said endorsement, a notification was issued on 11.10.2017 inviting applications for the said shop for appointment as a permanent fair price shop dealer. Challenging the said notification and the endorsement, the present Writ Petition is filed.

Admittedly, the petitioner is over aged for consideration of his case for appointment as a fair price shop dealer and the endorsement cannot be held to be bad in view of crossing of the age by the petitioner. The notification issued on 11.10.2017 fixed the last date as 23.10.2017 for receipt of the applications which expired yesterday. It appears that the petitioner has not submitted his application. Though the petitioner was given an opportunity to submit the application within the said time, when the petitioner did not do so, this Court cannot grant any relief to the petitioner after expiry of the date fixed in the notification.

In the circumstances, this Court sees no ground to entertain the Writ Petition and the same is, accordingly, dismissed at the admission stage. The miscellaneous petitions pending in this Writ Petition, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

24.10.2017
vs