

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.5493 of 2018

ORDER:

Pursuant to the notification, dated 22.10.2017, issued by the fourth respondent – Revenue Divisional Officer, Kadapa Revenue Division, for appointment of a dealer on permanent basis with respect to fair price shop No.36, Kondlathoorpu Village, H/o Gundlapalli Village, T. Sundupalle Mandal, YSR Kadapa District, petitioner applied for the same. Thereafter, he appeared for the written examination as well as the interview. He was selected as a dealer for the aforesaid fair price shop. His grievance is that though he was selected, no appointment order has been issued in his favour, and having declared him as successful candidate, respondent No.4 issued proceedings, dated 15.02.2018, declaring respondent No.6 as successful candidate for appointment as a dealer in respect of fair price shop in question. Hence, he filed the present Writ Petition.

Heard learned counsel for the petitioner.

Learned Government Pleader for Civil Supplies, on instructions, submits that the petitioner's case was not considered for being appointed as a fair price shop dealer on account of the

fact that in the field level enquiry, it came to light that he is employed in Muthoot Finance Company and is not the resident of Gundlapalli Village.

Learned Government Pleader for Civil Supplies produced before this Court the record, particularly, enquiry report, a perusal of which discloses that though it is stated that the petitioner is residing in Rayachoty with wife and children, they possess Aadhaar and Ration Cards, which show that they are residing at house bearing Door No.13-41A of Gundlapalli Village, and he is a Graduate and there are no criminal cases pending against him.

It may be noted that the requirement as per the notification is that the applicant should be the resident of the same Village. There is no requirement that as on the date of submitting application, the applicant shall not be employed. In the event of selection as a dealer, it is for the candidate to take a decision to leave the present employment and opt for being appointed as a fair price shop dealer.

In the case on hand, though it is stated in the enquiry report that the petitioner is not the resident of Gundlapalli Village, there

is no concrete material in support of the same and on the contrary, even as per the enquiry report, the petitioner possesses Aadhaar and Ration Cards, which show that he is the resident of Gundlapalli Village. Therefore, this Court is of the opinion that the petitioner's candidature cannot be rejected.

In those circumstances, the Writ Petition is disposed of with the direction to the respondent authorities to take a decision to consider the case of the petitioner for appointment as a dealer with respect to the fair price shop in question subject to the condition of his submitting satisfactory proof about his residing in the Village for discharging the functions as a dealer of fair price shop and not being employed elsewhere.

Miscellaneous Petitions, if any pending shall stand disposed of. There shall be no order as to costs.

CHALLA KODANDA RAM, J

22nd FEBRUARY, 2018.

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