

**HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN**

**Writ Petition No.17311 of 2011**

**ORDER:**

The relief sought for in this Writ Petition is to declare the proceedings issued by the Revenue Divisional Officer dated 31.05.2011, appointing the 5<sup>th</sup> respondent as a Fair Price Shop Dealer of Chandrakal Village, Peddakothapally Mandal, Mahabubnagar District, as illegal, arbitrary and contrary to the guidelines issued in G.O.Ms.No.52 dated 18.12.2008 as revised in G.O.Ms.No.4 dated 19.02.2011. A consequential direction is sought to set aside the same, and to direct the respondents to conduct interviews afresh in accordance with law.

The petitioners, four in number, contend that the reservation prescribed for Scheduled Castes, Scheduled Tribes, Physically Handicapped, Backward Classes and Women has not been followed, in Mahabubnagar District, while inviting applications to the posts of Fair Price Shop Dealers.

In his counter-affidavit dated 30.07.2011, the Revenue Divisional Officer states that the entire revenue division should be taken as a unit for fixing reservation; in his revenue division, there was excess of reservations; all the percentage of reservations, which were mentioned in G.O.Ms.No.4 dated 19.02.2011, have been filled-up; and, therefore, the notification was issued for O.C. General Category. It is further stated that the petitioners have an effective alternative remedy of appeal under Clause 20 of the Control Order before the Joint Collector, and a further revision before the District Collector.

From the counter-affidavit, it is clear that the 5<sup>th</sup> respondent secured the highest marks both in the written test and in the oral

interview and was, accordingly, selected. While I find considerable force in the submission of Sri Bommagani Prabhakar, Learned Counsel for the petitioners, that no details are forthcoming in the counter-affidavit of the Revenue Divisional Officer, as it ought to have contained particulars of the number of fair price shops in the district, and the extent of reservations already provided in favour of the reserved categories, to enable this Court to ascertain whether or not the guidelines prescribed have been complied with, it is not in dispute that by the notification, impugned in the Writ Petition, applications were invited under the Open Category.

Since the notification itself invited applications from the Open Category, and pursuant thereto the 5<sup>th</sup> respondent was appointed as a fair price shop dealer more than 6½ years ago, it would be wholly inappropriate, at this length of time, to either disbelieve the averments in the counter-affidavit or to undertake a microscopic examination of whether the notification inviting applications violates the rule of reservation.

The Writ Petition is, accordingly, dismissed. The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

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**RAMESH RANGANATHAN, ACJ.**

Date:09.03.2018.  
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