

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 6733 of 2018

ORDER:

This writ petition is filed challenging the proceedings, dated 28.12.2017, issued by respondent No.3-Revenue Divisional Officer, Guntur District appointing respondent No.5 herein as dealer in respect of Fair Price Shop No.18 situated at Vaddamanu Village, Thulluru Mandal, Guntur District pursuant to the notification, dated 18.10.2017.

The petitioner asserts that respondent No.3 awarded marks to the respondent No.5 under the heads of 'financial strength' and the 'managerial ability' though she had no capacity of performance. The petitioner further asserts that admittedly as on the date notified for interview, she is the one who attended the interview, however, to favour respondent No.5 yet another date was fixed, which respondent Nos.1 to 4 ought not to have given.

Learned counsel for the petitioner submits that the impugned order was communicated to the petitioner in the last week of February, 2018. He further submits that respondent No.5 was selected at the instance of political parties and the petitioner being more meritorious than respondent No.5, the impugned proceedings are bad in law.

Learned Government Pleader for Revenue, placed before this Court the proceedings, dated 28.12.2017, issued by respondent No.3, wherein it is stated that respondent No.5 had secured more marks in the interview conducted on four counts

viz., 'A,B,C,D' and the selection process was conducted by a panel of two authorities and marks were given based on the material on record and the performance in the interview. It is further stated that so far as respondent No.5 being permitted to appear on a different date for interview is concerned, the same was done at her request that she is in confinement on account of her pregnancy. There is no illegality in providing an opportunity to respondent No.5, that too, within one week from the date of interview. Learned Government Pleader submits that there is an alternative remedy of appeal provided in terms of Clause 20 of the Andhra Pradesh State Public Distribution System (Control) Order, 2008 (for short 'the Control Order'). Therefore, he prays for dismissal of the writ petition.

Having considered the respective submissions, without expressing any opinion on merits of the matter, the writ petition is disposed of giving liberty to the petitioner to avail the remedy of appeal in terms of the Control Order, within a period of ten days from the date of receipt of a copy of this order. Inasmuch as the petitioner has been pursuing this writ petition, the appellate authority shall entertain the same and dispose it of on merits, without reference to the limitation.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

CHALLA KODANDA RAM, J

Dt:05.03.2018
kdl

