

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.10212 OF 2018

ORDER:

Petitioner herein, claiming to be the adopted daughter of one Smt Munagavalasa Sarada Devi, who was a permanent fair price shop dealer of shop No.0118022 of Munagavalasa Village, Amadalavalasa Mandal, Srikakulam District, filed the present writ petition.

2. The said Smt Sarada Devi, according to the petitioner, passed away on 20.10.2016. Seeking appointment on compassionate grounds in the place of said Smt Sarada Devi, petitioner herein submitted an application to respondent No.3. The Revenue Divisional Officer, Srikakulam *vide* proceedings Rc.No.2010/2016 CS, dated 12.01.2017, rejected the claim of the petitioner herein. As against the same, the petitioner filed an appeal before the Collector, Srikakulam District. The District Collector passed an order *vide* proceedings D.Dis.SR(A)No.02/2017/S2, dated 27.01.2018, and the operative portion of the said order reads as under:

“Hence in view of above, the appeal is hereby dismissed with a direction to the appellant to approach competent court of law and till such time without any prejudice to the rights of the appellant if any (as to be declared by the court). Meanwhile, the vacancy shall not be filled with any other candidate and Revenue Divisional Officer shall make necessary alternative arrangements to run the shop. The vacancy be notified only after settling the claim of compassionate appointment or within 2 months from the date of this order whichever is earlier.”

3. According to the learned counsel for the petitioner, the District Collector grossly erred in directing the petitioner to approach the competent Court of law for redressal of her grievance and ought to have directed consideration of the petitioner herein for appointment in the place of the above said permanent dealer.

4. A perusal of the order of the District Collector reveals that the District Collector directed not to fill up the vacancy and further directed the Revenue Divisional Officer to make necessary alternative arrangements to run the shop. In the considered opinion of this Court, the order passed by the District Collector cannot be faulted.

5. For the aforesaid reasons, the Writ Petition is dismissed. However, it is open for the petitioner herein to avail the remedies as directed in the order passed by the District Collector. There shall be no order as to costs.

6. Miscellaneous petitions pending, if any, in this Writ Petition shall stand closed.

JUSTICE A.V.SESHA SAI

Date : 28.03.2018
AMD

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