

HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.21198 of 2011

ORDER:

The relief sought for in this Writ Petition is to declare selection of the 2nd respondent, as a dealer of Fair Price Shop No.11, Bheemunipatnam Mandal, Thagarapuvalasa village, Visakhapatnam District, as illegal and in violation of Article 14 of the Constitution of India. A consequential direction is sought to set aside the same.

Pursuant to publication in a Telugu Daily on 26.02.2011, inviting applications from eligible candidates for appointment to 21 posts of Fair Price Shop Dealers in Visakhapatnam Revenue Division, the petitioner applied for dealership of Fair Price Shop No.11, and appeared for the written test held on 14.07.2011. The five candidates, who qualified in the written test, were directed to appear for an interview on 21.07.2011, along with their original certificates. While the petitioner secured 48 marks and stood first among the five qualified candidates, the 2nd respondent secured 44 marks and stood third. The petitioner contends that, in the interview held thereafter, the interview committee members had only verified the original certificates, and did not ask any questions; on enquiry with the other four candidates, he came to know that they were also not posed any questions in the interview; and the interview committee had merely verified the original certificates, despite which the second respondent was selected. It is further stated that the second respondent's father was running Fair Price Shop No.11 till he died in the year 2004; after his death, the second respondent was allowed to run the said Fair Price Shop; she has been supplying the scheduled commodities through the said shop to the House Hold card

holders; the 2nd respondent was given dealership even before filling the vacancy; and selection of the 2nd respondent, as a dealer, is not legal and valid.

While the difference in the written test marks, between the petitioner and the 2nd respondent, is around four marks, it does appear that the 2nd respondent secured more marks than the petitioner in the interview. While the petitioner alleges that no questions were put to him by the interview committee, and similarly no questions were put to the other four selected candidates, it would not be possible to ascertain whether the petitioner's allegation that no questions were put to him and the other interviewees, is true or false, and as to what transpired during the course of the interview, in the absence of the members of the interview committee being arrayed as respondents in the Writ Petition. The fact remains that the second respondent was selected as a Fair Price Shop Dealer, and is functioning as such ever since 2011 for the past more than six years.

I see no reason, at this length of time, to interdict the selection process on the bald allegation that the interview committee did not put any questions to the interviewees, without the members of the interview committee being arrayed as respondent in the Writ Petition.

The Writ Petition fails and is, accordingly, dismissed. The miscellaneous petitions pending, if any, shall stand closed. No costs.

RAMESH RANGANATHAN, ACJ

Date: 06.04.2018

MRKR

