

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.28296 of 2017

ORDER:

Challenging the order dated 15.07.2017 passed by the 3rd respondent, dismissing the appeal of the petitioner, the present Writ Petition is filed.

The sum and substance of the claim of the petitioner is that the 7th respondent was appointed in preference to her though she has secured highest marks in the written examination. When the petitioner challenged the appointment of the 7th respondent as a Fair Price Shop Dealer, the same was rejected by the 3rd respondent vide impugned order, dated 15.07.2017. One of the grounds which the petitioner urges before this Court is that when she sought information, under the Right to Information Act, with regard to the marks obtained by the respective candidates, who attended the interview, it was disclosed that the petitioner got 65 marks in Written examination and 12 marks in oral test with an aggregate of 77 marks, whereas the 7th respondent got 60 marks in written examination and 18 marks in oral test, with an aggregate of 78 marks and the third candidate got 38 marks in written examination and 8 marks in oral test with an aggregate of 46 marks. It is the allegation of the petitioner that the respondent authorities, with a *mala fide* intention and to eliminate her, put more marks in interview to the 7th respondent.

It is the contention of the learned counsel for the petitioner that more weightage shall be given to the written examination marks and that the respondent authorities failed to consider the fact that the petitioner has worked as a temporary dealer and obtained good

experience and hence, she would be better in discharging her duties as a Fair Price Shop Dealer.

On the other hand, learned standing counsel appearing for the 7th respondent vehemently opposes the Writ Petition and submits that the marks, which have been taken into consideration for qualifying in the written examination only and no extra preference will be given to the marks obtained in the written test.

Learned Government Pleader also adopts the same argument and opposed the Writ Petition.

Having considered the respective submissions and having considered the notification issued and the procedure notified, it is not in dispute that in the notification and the procedure notified for selection of a candidate to be appointed as a Fair Price Shop Dealer, no preference need be given to the marks in the written examination. The entire procedure contemplated is for correct assessment of a candidate's worth, both in written examination as well as in oral test. Admittedly, the 7th respondent has secured one mark extra than the petitioner, overall. When there is no segregation with respect to the written examination marks and oral test marks, there cannot be any illegality in appointing the 7th respondent as Fair Price Shop Dealer. Since there being no illegality in the process, the Writ Petition is dismissed. No costs.

Consequently, Miscellaneous Petitions pending, if any, in this Writ Petition, shall stand closed.

CHALLA KODANDA RAM, J.

Date: 06.02.2018.

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