

HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

WRIT PETITON No.12500 of 2011

ORDER:

Heard Smt. K. Pallavi, Learned Counsel for the petitioner, and the Learned Government Pleader for Civil Supplies. The relief sought for in this Writ Petition is to declare the proceedings issued by the Collector, Mahaboobnagar District dated 24.01.2011, bifurcating the cards of the petitioner's existing fair price shop and allocating them to the newly created additional fair price shop at Shakapur village, without following the guidelines in G.O.Ms. No.35 dated 17.09.2007, as illegal and arbitrary. A consequential direction is sought to set aside the impugned proceedings dated 24.01.2011.

In his proceedings dated 24.01.2011, the District Collector recorded that a proposal was submitted by the Revenue Divisional Officer, Wanaparthi for creation of a fair price shop at Shakapur village, bifurcating cards from the existing fair price shops, as the village had a population of 2452 persons, its area was 2 kms, and there were 619 ration cards in the existing fair price shop; and, as card holders were facing difficulty in obtaining ration from the exiting fair price shop due to heavy allotment, it was proposed to ration 335 cards in the existing shops, and to transfer 332 cards to the proposed shop.

After examining the proposal, the District Collector observed that, in terms of para 6(v) of G.O.Ms. No.35 dated 17.09.2007, each Grampanchayat should have atleast one fair price shop with a maximum of 400 BPL cards and 50 Pink cards; in case of more number of cards, in excess of 400, there could be two shops provided in that village if the total number of cards are not less than 600; in such an

event the number of BPL and APL cards should be attached to the two shops equally; in terms of the said guidelines, the existing 667 ration cards were divided more or less equally; and, while the existing shop belonging to the petitioner was granted 335 cards, the proposed shop was allotted 332 cards.

In the counter-affidavit filed by the Revenue Divisional Officer, these facts are reiterated. It is further stated that consequent on the proceedings of the District Collector dated 24.01.2011, the Revenue Divisional Officer had issued notification dated 13.04.2011 inviting applications for the newly created fair price shop at Shakapur; the last date for receipt of application, as per the notification, was 28.04.2011; pursuant to the notification, 12 applications were received; a notice was issued to the applicants calling upon them to attend the written test on 17.05.2011; eleven candidates appeared for the written test on 17.05.2011; after completion of the written test, the five qualified candidates were called for an interview on 02.06.2011, and Sri A. Ramulu, who had secured the highest marks in the written test and in the interview, was selected for appointment as a fair price shop dealer; and, on the same day evening, the selected candidates list was published in the notice board, and the appointment was made as per rules.

The Writ Petition was admitted on 27.04.2011, and, pursuant thereto notice was ordered in the WPMP. It is evident, therefore, that another fair price shop dealer has already been appointed, and has been continuing as such for the past more than six years. As appointment of an additional fair price shop in Shakapur village is in terms of the G.Os issued by the Government from time to time, and as a fair and transparent selection process was undertaken to appoint the

second fair price shop dealer, I see no reason to exercise discretion, under Article 226 of the Constitution of India, to interfere. The Writ Petition fails and is, accordingly, dismissed. The miscellaneous petitions pending, if any, shall stand closed. No costs.

RAMESH RANGANATHAN, ACJ

Date: 25.01.2018

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