

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.NO.22870 OF 2018

O R D E R

The case of the petitioner is that in pursuance of the orders of the 2nd respondent - District Collector, dated 24.03.2018, 3rd respondent - Joint Collector / Chairman, Selection Committee, District Scheduled Caste Service Co-operative Society, Ananthapuramu, (DSCSCS), called for applications from eligible candidates from scheduled caste un-employed youth, for filling up the vacant shop. Petitioner applied for the same and attended the interview and the committee selected him. Vide proceedings No.624/2012F dated 10-04-2018 of the Joint Collector, he was allotted shop No.3 (Kamadhenu Complex Near Collector Office) in SC Shopping Complex, Ananthapuramu, and he complied with the conditions mentioned in the allotment proceedings. As the said shop has not been handed over to him, he made representation dated 16.04.2018. Aggrieved by the inaction of the respondents in handing over the subject shop, the present writ petition has been filed.

This court by interim order dated 05.07.2018, directed the 3rd respondent to consider the representation of the petitioner dated 16-04-2018 and take action in accordance with law.

Respondent No.4 – Executive Director, DSCSCS, filed counter affidavit on behalf of respondents 2 to 4, stating that based on allegations that shop was allotted to ineligible person, 2nd respondent – District Collector instructed the 4th respondent, to cancel the proceedings of the 3rd respondent dated 10.04.2018, allotting the subject shop to the petitioner and to conduct fresh interviews. Accordingly 4th respondent,

vide proceedings in Rc.No.88/2016-17/F/S dated 16.04.2018, cancelled the proceedings of the 3rd respondent dated 10.04.2018 and conducted fresh interviews among the applied candidates. Petitioner participated in the interview on 21.06.2018 and the committee selected one Mr.M.Maddiletei s/o M.Narasimhulu, and allotted the subject shop to him, vide proceedings in Rc.NO.624/2012-F dated 26.06.2018. It is stated that proceedings of the 4th respondent dated 16.04.2018, cancelling the allotment, was communicated to the petitioner prior to the filing of the writ petition and suppressing the said fact, petitioner filed the present writ petition and obtained interim order dated 05.07.2018.

Petitioner filed reply affidavit disputing the receipt of cancellation proceedings dated 16.04.2018 issued by the 4th respondent.

Heard the learned counsel for the petitioner and the learned Assistant Government Pleader for Social Welfare for respondents 1 and 2 and Sri B.Prudhvi Kumar, learned Standing Counsel for respondents 3 and 4.

In this case it is to be seen that though receipt of cancellation proceedings dated 16.04.2018, is disputed by the learned counsel for the petitioner, the averment of the 4th respondent in the counter affidavit that petitioner participated in the fresh interviews conducted on 21.06.2018, is not denied. Learned Standing Counsel for respondents 3 and 4, produced material showing the participation of the petitioner in the interviews held on 21.06.2018, for allotment of the subject shop. Writ petition was filed on 03.07.2018. In the affidavit filed in support of the writ petition, petitioner has not mentioned about the fact of his attending the interview on 21.06.2018. This amounts to suppression of material fact.

Moreover, petitioner has not challenged the cancellation proceedings dated 16.04.2018. In view of these circumstances, writ petition is liable to be dismissed and accordingly dismissed.

However, it is open to the petitioner to challenge the cancellation proceedings of the 4th respondent dated 16-4-2018 in accordance with law.

Interlocutory applications pending, if any, shall stand closed. No costs.

DATE:05—09—2018
avs

A.RAJASHKER REDDY,J

