

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.14272 OF 2019

ORDER:

Heard.

2. Petitioner is a physically disabled person and resident of Revulapenta Village. Petitioner urges two folded prayer in this writ petition. First prayer is relating to illegal continuation of the fair price shop dealership by 4th respondent even after his election as Sarpanch of the Gram Panchayat and the second prayer is with reference to his claim for appointment as fair price shop dealer in the place of 4th respondent by way of nomination on the ground that he is a physically disabled person.

3. Having regard to the fact that the 4th respondent is already elected as Sarpanch, learned Government Pleader informs the Court that steps are already initiated against the 4th respondent and notice is served on him.

4. Having regard to the fact that the 4th respondent is already elected as Sarpanch, his fair price shop dealership cannot be continued and the respondent authorities are directed to take appropriate steps in this regard as warranted by law.

5. With reference to substantive grievance of the petitioner that he should be appointed as a dealer to the fair price shop hitherto occupied by the 4th respondent, no such direction can be given, as it requires notification and calling for application and on consideration of eligibility of persons who respond to the notification, the dealership can be awarded. But, no dealership

can be awarded by way of nomination, without following due procedure. Thus, petitioner cannot insist for appointment on nomination basis merely because he is a disabled person.

6. Having regard to the facts noted above, the Writ Petition is dismissed. However, notwithstanding the dismissal of the writ petition, the respondents shall take immediate steps to notify the fair price shop dealership for empanelment by following due procedure.

Pending miscellaneous petitions, in any, shall stand closed.
No order as to costs.

30.07.2019
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P. NAVEEN RAO, J

