

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY EIGHTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V. ESWARAIAH.

WRIT PETITION NO : 22244 of 2005

Between:

Ch. Sandya Ranl, W/O. Yadagiri, aged about 33 years, occ:17th ward F.P.Shop
Dealer, Huzurnagar (v), Huzurnagar Mandal, Nalgonda District.

..... PETITIONER

AND

1. The District Collector (CS) Nalgonda, Nalgonda District.
2. The Revenue Divisional Officer, Miryalaguda, Nalgonda District.
3. The Mandal Revenue Officer, Huzurnagar, Nalgonda District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus, declaring the action of the 2nd respondent in issuing the notification vide No.E2/1683/2004, dated 17-11-2004 though the petitioner has distributed Essential Commodities to the card holders since 5-3-2004 without giving any opportunity to the petitioner, as illegal, arbitrary, unconstitutional and against the principles of natural justice and consequently direct the respondents to continue the petitioner as F.P.shop Dealer in 17th ward, Huzurnagar Village and Mandal, Nalgonda District.

Counsel for the petitioner: SRI N. PRAHHAKAR.

Counsel for the Respondent Nos.1 to 3: GP FOR CIVIL SUPPLIES.

The Court made the following :

ORDER:

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Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

The petitioner was temporarily appointed as fair price shop dealer on 01-03-2004 in Ward No.17, Huzurnagar village and Mandal and she deposited an amount of Rs.4000/- for authorization, and the same was valid upto 31-3-2006. In the meanwhile, the respondents issued the impugned notification dated 17-11-2004 calling for the applications from the eligible candidates for filling up the fair price shop dealerships on permanent basis in Ward No.17, Huzurnagar village & Mandal. Aggrieved by the same, the petitioner filed this writ petition seeking to declare the action of the second respondent in issuing the notification dated 17-11-2004 as illegal and arbitrary and to direct the respondents to continue her as fair price shop dealer in Ward No.17, Huzurnagar Village and Madal, Nalgonda District.

The learned Government Pleader contended that the said notification was issued not only in respect of the fair price shop in Ward No.17 of Huzurnagar Town but also in respect of 16 other fair price shops in the same Division with a view to provide employment opportunity to the eligible un-employees. It is further submitted that if the petitioner fulfils the requisite qualifications as per the terms and conditions as stipulated in the Notification, she is at liberty to submit her application along with other candidates.

There is no dispute that the petitioner was appointed on temporary basis as a fair price shop dealer for the area in question, but that does not confirm any right to her to continue the same on a permanent basis. Therefore, I do not see any illegality or irregularity in issuing the impugned notification.

Accordingly, the Writ Petition is disposed of directing the petitioner to file a fresh application subject to her eligibility as per the terms and conditions as stipulated in the impugned notification. If any such application is filed by the

petitioner, the respondents are directed to consider the same on par with others. No costs.

28-04-2005

sj

To

1. The District Collector (CS) Nalgonda, Nalgonda District.
2. The Revenue Divisional Officer, Miryalaguda, Nalgonda District.

3. The Mandal Revenue Officer, Huzurnagar, Nalgonda District.
4. Two CCs to the Government Pleader for Civil Supplies, High Court Building, Hyderabad. (OUT)>
5. Two C.D. copies.