
(2021) 09 TEL CK 0008
In the Telangana High Court
Case No : Writ Petition No. 20829 Of 2021

Ch.Vanitha

APPELLANT

Vs

State Of Telangana

RESPONDENT

Date of Decision : 02-09-2021

Acts Referred:

Constitution Of India, 1950 — Article 14, 19, 21

Citation : (2021) 09 TEL CK 0008

Hon'ble Judges : P.Naveen Rao, J

Bench : Single Bench

Advocate : K Venumadhav

Final Decision : Dismissed

Judgement

1. This writ petition is filed praying to grant the following relief:

"....to issue an order or direction more particularly one in the nature of writ of Mandamus or any other appropriate writ order or direction declaring the action of the respondent No.2 in issuing notification in file No.A/871/2021 dated 05.08.2021 in so far it relates to calling for applications for appointing the fair price shop dealer of shop No.2701016 situated at Thungur Village, Beerpur Mandal, Jagtial District, and not issuing orders appointing petitioner as Fair Price Shop Dealer of the said shop, considering petitioner dated 21.08.2021 is nothing but arbitrary, illegal, null void and violative of principles of natural justice and also violative of Articles 14, 19 and 21 of the Constitution of India. Consequently direct the respondent No.2 to consider the case of the petitioner for appointing as fair price shop dealer of shop No.2701016 situated at Thungur Village, Beerpur Mandal, Jagtial District taking into consideration of petitioner experience and eligibility and the application submitted by the petitioner dated 21.08.2021 and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the interest of justice."

2. Heard Mr. K.Venumadhav, learned counsel for petitioner, learned Assistant

Government Pleader for Civil Supplies.

3. According to the petitioner, she was appointed temporarily in November, 2017 as Fair Price Shop Dealer in Thungur village, Beerpur Mandal, Jagtial district. In the recruitment notification, this fair price shop is reserved for Backward Classes - 'E' category. Petitioner belongs to BC-'A' category.

4. Learned counsel for the petitioner contends that petitioner was appointed having regard to her eligibility, suitability and on fulfilment of other criteria and has been discharging her duties and responsibilities as fair price shop dealer to the satisfaction of the authorities. So far, her performance is assessed as good and there were no complaints against her in discharging her duties. Petitioner and her family members have been dependent on the earnings from the fair price shop. That being so, if regular recruitment is made and new dealer is inducted in her place and her assignment is dispensed with, grave prejudice would be caused to her. He therefore, submits that resorting to fresh recruitment without continuing the petitioner's dealership and confirming the dealer on permanent basis is ex-facie illegal and offending the rights of petitioner to earn her livelihood by running fair price shop dealership.

5. By drawing attention to the clauses in appointment orders, the learned Government Pleader submits that the clauses clearly point out that the appointment of petitioner was temporary and a stop-gap arrangement till regular appointments are made and she is liable for termination, as soon as regular appointments are made. Therefore, petitioner cannot claim for continuing her for ever and cannot prevent the authorities from resorting to regular recruitment.

6. The appointment of fair price shop dealers is governed by the procedure specified by the Government and notified vide G.O.Ms.No.20, Consumer Affairs, Food and Civil Supplies (CS.I-CCS) Department, dated 06.09.2018. In the annexure appended to the G.O., the guidelines are notified to make appointments of fair price shop dealers. The guidelines require issuance of notification, calling for applications, holding written test, interview, selection and verification of antecedents before appointment orders are issued. The guidelines also prescribe the eligibility criteria regarding educational qualification and age limit. The guidelines also require the competent authority to follow the rule of reservation in favour of various social groups and assessment of residence etc.

7. It is not in dispute that petitioner was appointed temporarily as a stop-gap arrangement till regular appointment is made. While making her appointment the eligibility of others was not assessed, but based on the applications, straightaway she was appointed. As can be seen from the appointment order of petitioner, it is clear that the appointment is on temporary basis till regular selections are made and valid for specific period as mentioned therein and extended from time to time again on temporary basis, pending resorting to regular selections and appointment of fair price shop dealers in accordance with the policy notified in G.O.Ms.No.20, dated 06.09.2018. Thus, it is not something that a false hope was

created in favour of the petitioner by appointing her and suddenly seeking to dispense with her services by resorting to regular recruitment. With eyes wide open, petitioner accepted the temporary appointment for a limited period, extended from time to time. Further, while appointing fair price shop dealer, the competent authority is also required to follow the rule of reservation and various fair price shop dealerships are arranged in the roster. When petitioner was appointed, the rule of reservation was also not observed.

8. As can be seen from the notification, the fair price shop dealership in Thungur village is reserved for BC-'E' category. Petitioner does not belong to the said category. Thus, even otherwise, continuation of petitioner in fair price shop dealership, which is reserved for different social category, is also not valid in law. Therefore, I do not see any error in resorting to regular recruitment warranting interference.

9. Accordingly, the Writ Petition is dismissed, leaving it open to the petitioner to participate in the selection process in any of the fair price shop dealerships, if she is otherwise eligible. Pending miscellaneous petitions shall stand closed.