

(1999) 03 AP CK 0021
In the Andhra Pradesh High Court
Case No : WA No. 307 of 1999

Kaparapu Simhachalam

APPELLANT

Vs

Dist. Collector And Dist. Magistrate, Vizianagaram Dist., and
others

RESPONDENT

Date of Decision : 08-03-1999

Acts Referred:

Citation : (1999) 4 ALD 158 : (1999) 2 ALT 497 : (1999) 1 APLJ 393

Hon'ble Judges : M.S. Liberhan, C.J.; A.S. Bhate, J

Bench : Division Bench

Advocate : Mr. Badana Bhaskara Rao, for the Appellant; Government Pleader for Civil Supplies, for the Respondent

Judgement

M.S. Liberhan, CJ.

1. The only argument raised by the learned Counsel for the appellant is that the learned single Judge has not adverted to the facts of the case and disposed of the writ petition on merits.

2. The learned Counsel put the facts in the course of his arguments to the effect that on 5-11-1992 the appellant was appointed as a fair price shop dealer which was set aside, against which the appellant filed writ petition No.6578 of 1993 which was allowed and it was directed that the appellant will be at liberty to file a revision against the order setting aside his appointment. The appellant preferred a revision petition which was dismissed and the order of setting aside his appointment was affirmed. The appellant impugned the said order in Writ Petition No.6816 of 1994 which was again dismissed though, by the order passed in Writ Appeal No.497 of 1994 on 15-2-1996, by way of ad interim arrangement the appellant was allowed to function as fair price shop dealer till applications were invited to fill up the vacancy on permanent basis, and the appellant was granted an opportunity to make an application.

3. The respondents notified the vacancy on permanent basis though reserved it

for woman candidates alone. For reasons best known to the respondents they invited the appellant alone to participate in the allotment by making an application on 15-3-1997. On 1-4-1998 the appellant was appointed and the appointment order was challenged in an appeal which was allowed inter alia holding that the notification suffers from an infirmity that it was reserved only for woman candidates. The appellant challenged the order in revision.

4. The contention of the appellant is also to the effect that the notification for appointment of woman candidates, dated 6-3-1997, is not a valid one though it is contended that since the appellant has been invited to participate and has been allowed, consequently, the allotment cannot be cancelled.

5. There is no gain-saying that once the notification dated 6-3-1997 suffers from the infirmity of providing reservation for woman candidates alone and the appeal having been allowed the appointment of the appellant cannot be sustained. We find no error in the order of the appellate authority holding that the notification is an invalid notification. The learned Counsel for the appellant has not been able to show or even urge that the notification issued is a valid one except stating that since the appellant has been invited to participate, consequently, the error in the notification stood rectified. The notification cannot be a tailor made for the appellant alone. No notification is issued inviting the applications of all the eligible persons who could participate. Thus, we find no error in the order of the appellate authority as well as the learned single Judge affirming the setting aside of the appointment of the appellant.

6. The only prayer made at this stage is that the appellant be allowed to continue till a fresh notification is issued and the process for appointment on permanent basis is completed and the order earlier passed in Writ Appeal No.497 of 1994 be restored to that extent. We find no ground to grant such a relief.

7. The respondents are directed to complete the process within 30 days from today. It is for the State to ensure that the public does not suffer for the reason of non-allotment or delayed allotment in a public distribution system. The State will be at liberty to make such arrangement for distribution as appropriate in the facts and circumstances of the case. The appellant has been continuing as a fair price shop dealer since 1992 without the same being allotted to him on permanent or regular basis. In the result the appeal is dismissed.