
(2021) 09 TEL CK 0007
In the Telangana High Court
Case No : Writ Petition No. 20766 Of 2021

Katiki Ramalaxmi

APPELLANT

Vs

State Of Telangana

RESPONDENT

Date of Decision : 02-09-2021

Acts Referred:

Citation : (2021) 09 TEL CK 0007

Hon'ble Judges : P.Naveen Rao, J

Bench : Single Bench

Advocate : S Syamsunder Rao

Final Decision : Disposed Of

Judgement

1. Heard Sri S.Syam Sunder Rao, learned counsel for the petitioner, learned Assistant Government Pleader for Civil Supplies for respondent No.1 and learned Government Pleader for Revenue for respondents 2 and 3.
2. This writ petition is filed challenging the notification dated 27.08.2021 calling for applications to fill up the fair price shop dealers in various villages of Khammam District.
3. Petitioner was appointed as fair price shop dealer to Chinnakorukondi-I Village, Kalluru Mandal, Khammam District on temporary basis, more so, as stop-gap arrangement till regular selections are made.
4. Learned counsel for the petitioner contends that petitioner was appointed having regard to her eligibility, suitability and on fulfilment of other criteria and she 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 the petitioner. 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 the petitioner to earn her livelihood by running fair price shop dealership.

5. By drawing attention to the clauses in appointment order, the learned Assistant Government Pleader submits that the clauses clearly point out that the appointment of petitioner was temporary and a stop-gap arrangement till regular appointment is 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 application, 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 selection is 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 dealer 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 and extended from time to time. Further, while appointing fair price shop dealers, 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. However, though petitioner is not entitled to the relief claimed in the writ petition, the Court noticed grave illegality in the notification issued on 27.08.2021. The principle of reservation in favour of various social groups is made applicable to the fair price shop dealerships also. The present notification do not indicate whether the fair price shop dealership now intended to be filled up are reserved in favour of any social group or they have to be filled up only for open competition. At the stage of finalization of selection, the competent

authority cannot earmark the dealerships in favour of a particular social group as the recruitment notification has not indicated the reservation slots and applications are not invited in the said manner. Unless the reservation aspect is mentioned, selections cannot be finalized. Therefore, the notification is per se vitiated on this ground alone.

9. On instructions, learned Assistant Government Pleader submits that the concerned Revenue Divisional Officer was unable to explain why he has not mentioned reservation points for the fair price shop dealerships notified on 27.08.2021.

10. The notification is set aside on this ground alone. Liberty is granted to the Revenue Divisional Officer, Kalluru, Khammam District, to issue a fresh notification, specifying the reservation slots for various social groups. If already applications are received in pursuant to the said notification, the said applications shall be treated as validly made, depending on the social status of the applicant to the respective fair price shop dealerships. However, if the concerned person is not fitting into the reservation category for which a particular fair price shop dealership is earmarked, he can withdraw his/her application and in that case, the amount of fee paid by him/her should be refunded to the candidate. Subject to the above, the Writ Petition is disposed of. Pending miscellaneous petitions, if any, shall stand closed.