

(1997) 12 AP CK 0026

In the Andhra Pradesh High Court

Case No : Writ Petition No. 18962 of 997

Yelamaneni Krishna Kumari

APPELLANT

Vs

District Collector, Guntur and Others

RESPONDENT

Date of Decision : 10-12-1997

Acts Referred:

Citation : (1998) 3 ALD 190 : (1998) 1 ALT 290

Hon'ble Judges : V. Rajagopala Reddy, J

Bench : Single Bench

Advocate : Mr. P.S. Narayana, for the Appellant; Government Pleader for Civil Supplies, for the Respondent

Judgement

1. Heard the learned Government Pleader for Civil Supplies.
2. The impugned order in this case is the order passed by the 1st respondent dated 31-7-1997 whereunder the revision petition filed by the writ petitioner was rejected on the ground that the petitioner had no locus standi.
3. It is necessary to narrate the facts to consider the validity of the impugned order.
4. The 4th respondent Smt. A. Parvathi was originally appointed as Fair Price Shop dealer. The petitioner who is one of the contestants to the said appointment, put in an application to the Revenue Divisional Officer, alleging that the educational certificate produced by the 4th respondent was false and requested to conduct an enquiry into the matter. The matter was therefore referred to the Mandal Revenue Officer and he submitted a report. On the basis of the said report, the Revenue Divisional Officer by an order dated 16-5-1996 set said the appointment of the 4th respondent. Aggrieved by the above said order, the 4th respondent filed an appeal before the appellate authority which was allowed by an order dated 25-3-1997. It should be noticed that in the appeal the 4th respondent has not impleaded the petitioner as one., of the respondents. However, the petitioner coming to know of the order passed by the appellate

authority, filed the present revision petition before the 1st respondent, who has however, rejected the revision petition on the ground that the petitioner has no locus standi. It is stated in the impugned order that the petitioner was neither the aggrieved party in the appeal nor she contested the case in the lower Court. On the said ground the 1st respondent held that the petitioner had no locus standi,

5. It is contended by the learned Counsel for the petitioner that the appointment of the 4th respondent having been set aside at the instance of the petitioner, by the Revenue Divisional Officer after holding an enquiry into the alleged educational qualification, the petitioner cannot be said to have no locus standi in filing the revision petition. It is also contended that the petitioner could not contest in the appeal filed by the 4th respondent as she was not made a party and she was not aware of the appeal pending before the appellate authority. In view of the above facts, it is contended that the petitioner has locus standi to file the revision petition. In support of his contention the learned Counsel for the petitioner brought to my notice clause 18 of the Control Order. Any person aggrieved by an order under clause 17(1)(i) is entitled to file a revision before the District Collector. The learned Counsel for the respondents submits that the petitioner having not contested the appeal, she is not an aggrieved party and she is not entitled to question the appellate order before the revisional authority.

6. A perusal of clauses 17 and 18 of the Control Order makes the matter clear. Under sub-clause (1) of clause 17 any person who is aggrieved by any order passed by the appointing authority, is entitled to file an appeal against the order of appointment of another person. Hence, clause 18 reserves right to any aggrieved person to question the order passed in appeal. Thus, it is significant to note that it is not necessary to file a revision that one should be a party in the earlier proceedings. Any person aggrieved by the order of the appellate authority can file a revision under clause 18. The word "person" is used, not the word "party". The facts reveal that it is at the instance of the petitioner, the appointment of Respondent No.4 was set aside. Since, Respondent No.4 was aggrieved person, she filed the appeal which was eventually allowed. Now, the petitioner being an aggrieved person of the order under appeal, she is entitled to question the same. In the circumstances, the impugned order is contrary to clause 18 and it is liable to be set aside. The writ petition is accordingly allowed. The 1st respondent is directed to entertain the revision petition filed by the petitioner and dispose of the same, afresh, as per law, expeditiously. No costs.