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THE HONOURABLE SRI JUSTICE D.RAMESH

WRIT PETITION No.9310 of 2016

ORDER:

This Writ Petition under Article 226 of the Constitution of India is filed for the following relief:-

“..to issue an order, direction or writ, more particularly one in the nature of writ of mandamus declaring the action of the 3rd respondent in appointing the 4th respondent as a temporary dealer to the Fair Price Shop No.44, situated at Ramanaiahpet, Kakinada Rural, East Godavari District vide proceedings Ref.D/1964/2015 and consequently direct the 3rd respondent to appoint the petitioner as permanent dealer in the above said shop, and to pass such other order or orders as this Hon’ble Court may deem fit and proper in the circumstances of the case....”.

Heard the learned counsel for the petitioner and the learned Government Pleader appearing for the respondents.

No interim orders were granted so far in this Writ Petition.

After notice, Respondent No.4 has filed the counter affidavit. In the said counter affidavit it is stated that the Joint Collector has conducted an enquiry and passed

orders cancelling the entire selection process including the written examination conducted on 29.06.2015. Some of the selected candidates approached this Court challenging the cancellation orders. But, this Court has not granted any interim orders. It is further stated that the petitioner knows very well that the selection process was cancelled by the Joint Collector as long back in the year 2014.

On perusal of the contents made in the counter affidavit, it is clear that the petitioner has not questioned the cancellation orders, but questioned the appointment of the 4th respondent. Without questioning the cancellation orders, the petitioner is not entitled to question the appointment of the 4th respondent.

Hence, this Writ Petition is disposed of giving liberty to the petitioner to question the cancellation orders of the Joint Collector, if he has any grievance. No costs.

Miscellaneous petitions pending, if any, in this Writ Petition shall stand closed.

JUSTICE D.RAMESH

Date : 20.04.2023
Tm

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