

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE V.G.ARUN

FRIDAY, THE 30<sup>TH</sup> DAY OF SEPTEMBER 2022 / 8TH ASWINA, 1944

WP(C) NO. 29975 OF 2022

**PETITIONER:**

SARADA C.,  
AGED 50 YEARS  
S/O KALLA CHAMAN, PUTHUSSERI HOUSE, THATTIYAD,  
NADUVIL P.O, TALIPARAMBA TALUK, KANNUR DISTRICT,  
PIN-670582.

BY ADVS.  
V.T.MADHAVANUNNI  
V.A.SATHEESH  
ANAND V.S

**RESPONDENTS:**

- 1 DISTRICT SUPPLY OFFICER,  
DISTRICT SUPPLY OFFICE,  
CIVIL STATION, KANNUR DISTRICT, PIN 670002.
- 2 STATE OF KERALA  
REPRESENTED BY SECRETARY,  
DEPARTMENT OF CIVIL SUPPLIES,  
SECRETARIAT, TRIVANDRUM DISTRICT, PIN 695001.

SMT. AMMINIKUTTY K, SR. GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON  
30.09.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

## **JUDGMENT**

**Dated this the 30<sup>th</sup> day of September, 2022**

The petitioner belongs to the Karimbalan Tribe, in Kannur District and is a resident of Ward No.15 in Naduvil Grama Panchayath. The petitioner's grievance is regarding Ext.P2 notification inviting applications from persons belonging to the Scheduled Caste, for appointment as licensee for Fair Price Shops in Ward No.15. According to the petitioner, there are no Scheduled Caste families in Ward No.15. It is contended that the proposal for allotment is prejudicial to the predominate Scheduled Tribe residents of the Ward.

2. Learned Government Pleader submitted that, as on date, 4 applications are received pursuant to Ext.P2 notification. It is submitted that the allotments to a particular category is made strictly in accordance with Clause 33 of the Kerala Targeted Public Distribution System (Control) Order, 2021. Attention is drawn to Clause 28 of the above order to point out

that if the shop is notified for Scheduled Caste/Scheduled Tribe reserved category, the applicant need only be a resident of the Taluk concerned.

3. Having carefully scrutinised Clause 33 and the proviso to Clause 28, I find the challenge to be unsustainable. Clause 33 provides two percent reservation for Scheduled Tribes and as per the proviso to Clause 28(1), if the shop is notified for Scheduled Caste/Scheduled Tribe reserved category, the applicant need only be a resident of the Taluk concerned.

In that view of the matter, the challenge raised in the writ petition is found to be unsustainable. Consequently, the writ petition is dismissed.

**Sd/-**

**V.G.ARUN**

**JUDGE**

NB/30-9

**APPENDIX OF WP(C) 29975/2022**

**PETITIONER'S EXHIBITS**

<b>EXHIBIT P1</b>	<b>TRUE COPY OF THE COMMUNITY CERTIFICATE ISSUED TO THE PETITIONER DATED 22/1/2019.</b>
<b>EXHIBIT P2</b>	<b>TRUE COPY OF THE NOTIFICATION ISSUED BY RESPONDENT NO. 1 DATED 16/5/2022.</b>
<b>EXHIBIT P3</b>	<b>TRUE COPY OF THE CERTIFICATE ISSUED BY MEMBER OF WARD NO. 15 OF NADUVIL GRAMA PANCHAYATH DATED 6/7/2022.</b>
<b>EXHIBIT P4</b>	<b>TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER TO CHIEF MINISTER DATED NIL.</b>

**RESPONDENTS' EXHIBITS: NIL**

**TRUE COPY**

**P.A. TO JUDGE**