

**WRIT APPEAL NO: 515 of 2026**

N Srinivasa Rao

...Appellant

Vs.

The State Of Andhra Pradesh and Others

...Respondent(s)

Advocate for Appellant:

T D PHANI KUMAR

Advocate(s) for Respondent(s):

GP FOR CIVIL SUPPLIES, M SRI
DEVI**CORAM : THE CHIEF JUSTICE LISA GILL
SRI JUSTICE R RAGHUNANDAN RAO****DATE : 30th April 2026****The Court made the following Judgment:**

(per Hon'ble Sri Justice R. Raghunandan Rao)

Heard Sri T.D. Phani Kumar, learned counsel appearing for the appellant and learned Government Pleader for Civil Supplies, appearing for the respondents.

2. The appellant herein and respondent No.6 had been selected, as members of the State Food Commission, on 19.07.2017. The term of members of the State Food Commission was 5 years from the date on which

the member enters office or attains the age of 65 years. Accordingly, the tenure of the appellant, as well as the 6th respondent, was completed, on 06.08.2022.

3. The 2nd respondent, in view of expiry of term of members, had initiated a selection process for appointment of 5 members to the A.P State Food Commission, by way of a Notification, dated 24.06.2022. The appellant and 6th respondent being eligible for reappointment had submitted their respective applications on 11.07.2022. However, G.O.Rt.No. 41, dated 02.08.2022, was issued for relieving 5 members of the State Food Commission, including the appellant and 6th respondent with effect from 06.08.2022.

4. The appellant moved W.P.No. 24551 of 2022, before this Court, challenging G.O.Rt.No.41 dated 02.08.2022, on the ground that petitioner could not have been relieved as a member of the A.P State Food Commission while his application for re-appointment was pending. This Writ Petition came to be disposed of, on 12.08.2022, with a direction to 2nd respondent to consider representations of petitioner and 6th respondent, dated 11.07.2022, without expressing any opinion regarding entitlement of these persons to be considered for appointment for a second time.

5. After disposal, of W.P.No.24551 of 2022, three members were appointed, to the A.P State Food Commission, by way of G.O.Ms.No.25 dated 07.10.2022. It may be noted that two of the members belonged to the open

category while one member belonged to the Backward Class community. The appellant, moved Contempt Case No. 4204 of 2022, on the ground that such appointment was in violation of directions of this Court, dated 12.08.2022, in W.P.No.24551 of 2022. After receiving the notice in said Contempt Case, the 2nd respondent, by a letter dated 12.10.2022, had rejected the application of appellant and 6th respondent with the observation “member cannot seek any reappointment basing on the word “shall be eligible” and it is for the Government to take a decision on this aspect”. This observation of the 2nd respondent came to be challenged, by way of W.P.No.1246 of 2023.

6. The contention of appellant and 6th respondent, who were petitioners in this petition, was that they were entitled to be reappointed, by virtue of Section 16(4) of the National Food Security Act, 2013. The appellant and 6th respondent also contended that Section 16(1)(b) and (c) stipulated that out of the chairperson, 5 other members and a member secretary who would constitute the State Food Commission, there should be at least two women, one person belonging to the Scheduled Caste, and one person belonging to the Scheduled Tribes. The appellant contended that he was entitled for reappointment as he was a member of a Scheduled Caste community while the 6th respondent contended that he was entitled for reappointment as he belonged to the Scheduled Tribe community.

7. It appears that, during pendency of the writ petition, the 5th respondent who is a woman, who belongs to S.C category, was appointed as

a member *vide* G.O.Ms.No.8, dated 11.04.2023. The learned Single Judge, in view of the appointment of 5th respondent held, by his order dated 13.02.2026, disposing of the writ petition, that relief sought by the appellant would not survive for further adjudication. As far as the vacancy which is to be filled up by a person belonging to the Scheduled Tribes was concerned, the learned Single Judge directed that a fresh notification should be issued for filling up the said vacant post without restricting it to any gender and that the 6th respondent would be at liberty to submit a fresh application for the said vacancy.

8. Aggrieved by this order, appellant has moved the present Writ Appeal. However, the 6th respondent who was the 1st petitioner in the Writ Petition chose not to file an appeal and is arrayed as respondent No.6 in the Writ Appeal.

9. The appellant has moved the present Writ Appeal on the ground that provisions of Section 16(4) of the Food Safety Act stipulated that there should be two women, one person belonging to the Scheduled Caste and one person belonging to the Scheduled Tribe. This would mean that appointment of the 5th respondent, who was a woman and a member of the Scheduled Caste Community, would have to be treated only against posts that were reserved for women and the appellant cannot be shut out from consideration for appointment. The appellant would contend that the language of Section

16(4) made it mandatory for the existing members to be reappointed until they attain the age of 65 years.

10. Section 16 of the National Food Security Act, 2013 reads as follows:

(1) Every State Government shall by notification, constitute a State Food Commission for the purpose of monitoring and review of implementation of this Act

(2) The State Commission shall consist of-

(a) a Chairperson;

(b) five other Members; and

(c) a Member-Secretary, who shall be an officer of the State Government not below the rank of Joint Secretary to that Government:

Provided that there shall be at least two women, whether Chairperson Member or Member-Secretary:

Provided further that there shall be one person belonging to the Scheduled Castes and one person belonging to the Scheduled Tribes, whether Chairperson, Member or Member-Secretary.

(3) The Chairperson and other Members shall be appointed from amongst persons-

(a) who are or have been member of the All India Services or any other civil services of the Union or State or holding a civil post under the Union or State having knowledge and experience in matters relating to food security, policy making and administration in the field of agriculture, civil supplies, nutrition, health or any allied field; or

(b) of eminence in public life with wide knowledge and experience in agriculture, law, human rights, social service, management, nutrition, health, food policy or public administration; or

(c) who have a proven record of work relating to the improvement of the food and nutrition rights of the poor.

(4) The Chairperson and every other Member shall hold office for a term not exceeding five years from the date on which he enters upon his office and shall be eligible for reappointment: Provided that no person shall hold office as the Chairperson or other Member after he has attained the age of sixty-five years.

(5) The method of appointment and other terms and conditions subject to which the Chairperson, other Members and Member-Secretary of the State Commission may be appointed, and time, place and procedure of meetings of the State Commission (including the quorum at such meetings) and its powers, shall be such as may be prescribed by the State Government.

(6) The State Commission shall undertake the following functions, namely:-

(a) monitor and evaluate the implementation of this Act, in relation to the State;

(b) either suo motu or on receipt of complaint inquire into violations of entitlements provided under Chapter II;

(c) give advice to the State Government on effective implementation of this Act;

(d) give advice to the State Government, their agencies, autonomous bodies as well as non-governmental organizations involved in delivery of relevant services, for the effective implementation of food and nutrition related schemes, to enable individuals to fully access their entitlements specified in this Act,

(e) hear appeals against orders of the District Grievance Redressal Officer,

(f) prepare annual reports which shall be laid before the State Legislature by the State Government.

(7) The State Government shall make available to the State Commission. such administrative and technical staff, as it may consider necessary for proper functioning of the State Commission.

(8) The method of appointment of the staff under sub-section (7), their salaries, allowances and conditions of service shall be such, as may be prescribed by the State Government.

(9) The State Government may remove from office the Chairperson or any Member who-

- (a) is, or at any time has been, adjudged as an insolvent; or
- (b) has become physically or mentally incapable of acting as a member, or
- (c) has been convicted of an offence which, in the opinion of the State Government, involves moral turpitude; or
- (d) has acquired such financial or other interest as is likely to affect prejudicially his functions as a member; or (e) has so abused his position as to render his continuation in office detrimental to the public interest.

(10) No such Chairperson or Member shall be removed under clause (d) or clause (e) of sub-section (9) unless he has been given a reasonable opportunity of being heard in the matter.

11. Section 16(4) of the Act states that Chairperson or Member of the Commission would hold office for a term not exceeding 5 years and that such person would also be eligible for reappointment. The said provision only states that a person shall be eligible for re-appointment. This would mean that the appointing authority would have the discretion to consider the candidature of a person who was already serving as a member along with the candidature of all other applicants. A serving member would not have any claim for automatic reappointment.

12. Section 16(2) stipulates that at least two women, one person belonging to Scheduled Castes and one person belonging to Scheduled Tribes should be either Chairperson, Member or Member Secretary. According to the appellant this would mean that four posts would be reserved for these categories. However, language of the provision does not lend itself to such an interpretation. The appointment of a person such as the 5th respondent, could be treated as an appointment of a woman as well as a member of the Schedule Caste category, fulfilling the requirement of ensuring two women as well as members of the Schedule Caste and Schedule Tribe community being represented in the Food Commission. In the circumstances, we do not find any reason to interfere with the judgment of learned Single Judge.

13. Accordingly, this Writ Appeal is dismissed. There shall be no order as to costs.

As a sequel, pending miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

LISA GILL, CJ

RAGHUNANDAN RAO, J

RJS

HONOURABLE THE CHIEF JUSTICE LISA GILL
&
THE HON'BLE SRI JUSTICE R. RAGHUNANDAN RAO

WRIT APPEAL No: 515 of 2026

(per Hon'ble Sri Justice R.Raghunandan Rao)

30.04.2026

RJS