



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**



**TUESDAY, THE SEVENTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SMT. JUSTICE V.SUJATHA

WRIT PETITION NO: 27202 OF 2025

Between:

Kancherla Sitha Maha Lakshmi, W/o. Lakshmanudu, Age- 49 years, Occ: Housewife, R/o. D.No.5-7-29 Mattapallivari Street, Samalkot, Kakinada District.

...Petitioner

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary, Civil Supplies Department, Secretariat Velagapudi, Guntur District.
2. The Revenue Divisional Officer, Kakinada Division, Kakinada District.
3. The Tahsildar, Samalkot Mandal, Kakinada District.

...Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue order or direction more particularly one in the nature of Writ of MANDAMUS decalring the action of the 2nd respondent in not appointing the petitioner as Fair Price Shop dealer of Shop No.0488019 of Samalkot Town and Mandal, Kakinada District consequent on the death of the petitioners father as wholly illegal, arbitrary and unjust and consequently direct the respondents 2 and 3 to appoint the petitioner as Fair Price Shop dealer of Shop No.0488019 of amalkot Town and Mandal, Kakinada District in

terms of GOMsNo.4 CAF and CS (CS.I) Department, dt- 28.02.2014 and GOMsNo.33, CAF and CS (CS.I) Department, dt- 19.12.2018 and also in terms of the proceedings of the 3rd respondent vide Ref.B/343/2025, dt- 07.08.2025 in the interest of Justice.

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the 2nd respondent to consider the case of the petitioner for appointment as Fair Price Shop dealer of Shop No.0488019 of Samalkot Town and Mandal, Kakinada District consequent on the death of the petitioner's father in terms of the proceedings of the respondent in Ref.B/343/2025, dt- 07.08.2025, pending disposal of the above writ petition.

Counsel for the Petitioner: SRI K. VENKATESH

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court made the following :



IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
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TUESDAY, THE SEVENTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SMT JUSTICE V.SUJATHA

WRIT PETITION NO: 27202/2025

Between:

1. KANCHERLA SITHA MAHA LAKSHMI, W/O LAKSHMANUDU, AGE-49 YRS, OCC- HOUSEWIFE, R/O D.NO.5-7-29 MATTAPALLIVARI STREET, SAMALKOT, KAKINADA DISTRICT.

...PETITIONER

AND

1. THE STATE OF AP, REP. BY ITS PRINCIPAL SECRETARY, CIVIL SUPPLIES DEPARTMENT, SECRETARIAT VELAGAPUDI, GUNTUR DISTRICT

2. THE REVENUE DIVISIONAL OFFICER, KAKINADA DIVISION, KAKINADA DISTRICT.

3. THE TAHSILDAR, SAMALKOT MANDAL, KAKINADA DISTRICT.

...RESPONDENT(S):

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue order or direction more particularly one in the nature of Writ of MANDAMUS decalring the action of the 2nd respondent in not appointing the petitioner as Fair Price Shop dealer of Shop No.0488019 of Samalkot Town and Mandal, Kakinada District consequent on the death of the petitioners father as wholly illegal, arbitrary and unjust and consequently direct the respondents 2 and 3 to appoint the petitioner as Fair Price Shop dealer of Shop No.0488019 of amalkot Town and Mandal, Kakinada District in terms of GOMsNo.4 CAF and CS (CS.I) Department, dt- 28.02.2014 and

GOMsNo.33, CAF and CS (CS.I) Department, dt- 19.12.2018 and also in terms of the proceedings of the 3rd respondent vide Ref.B/343/2025, dt- 07.08.2025 in the interest of Justice and pass

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the 2nd respondent to consider the case of the petitioner for appointment as Fair Price Shop dealer of Shop No.0488019 of Samalkot Town and Mandal, Kakinada District consequent on the death of the petitioner's father in terms of the proceedings of the respondent in Ref.B/343/2025, dt- 07.08.2025, pending disposal of the above writ petition and pass

Counsel for the Petitioner:

1.K VENKATESH

Counsel for the Respondent(S):

1.GP FOR CIVIL SUPPLIES

The Court made the following:

HONOURABLE SMT. JUSTICE V.SUJATHA**WRIT PETITION No.27202 of 2025****ORDER:**

The present Writ Petition came to be filed under Article 226 of the Constitution of India seeking the following relief:-

"...to issue order or direction more particularly one in the nature of Writ of MANDAMUS declaring the action of the 2nd respondent in not appointing the petitioner as Fair Price Shop dealer of Shop No.0488019 of Samalkot Town and Mandal Kakinada District consequent on the death of the petitioner's father as wholly illegal, arbitrary and unjust and consequently direct the respondents 2 and 3 to appoint the petitioner as Fair Price Shop dealer of Shop No.0488019 of Samalkot Town and Mandal, Kakinada District in terms of GOMsNo.4 CAF and CS (CS.I) Department, dt 28.02.2014 and GOMsNo.33, CAF and CS (CS.I) Department, dt.19.12.2018 and also in terms of the proceedings of the 3rd respondent vide Ref.B/343/2025, dt.07.08.2025 in the interest of Justice..."

2. The petitioner's late father was appointed as a permanent Fair Price Shop dealer for Shop No.0488019 of Samalkot Town and Mandal, Kakinada District and while running the said Fair Price Shop, he died on 15.08.2020. After the death of the petitioner's mother, the petitioner stayed with her father even after her marriage and used to help her father in running the Fair Price Shop as well as look after his welfare in his old age. As the petitioner has experience in running the Fair Price Shop and is also fully qualified for being appointed as a Fair Price Shop dealer in the place of her deceased father, she submitted a representation to the 3rd respondent herein on 01.08.2025. Thereafter, the 3rd respondent, duly considering the experience of the petitioner in running a Fair Price Shop, recommended to the 2nd respondent to consider the case of the petitioner for appointment to the Fair Price Shop instead of running the shop with in-charge. As no further action has been initiated by the 2nd respondent till date, the present writ petition is filed.

3. Heard learned counsel for the petitioner and learned Assistant Government Pleader for Civil Supplies representing the respondents.
4. Today, when the matter came up for hearing, learned Assistant Government Pleader furnished a copy of the instructions of the 2nd respondent, wherein it is stated that as per G.O.Ms.No.4, dated 28.02.2014 of the Consumer Affairs, Food and Civil Supplies (CS-I) Department, Point No.6(ii), a married daughter is not eligible for appointment as a Fair Price Shop dealer on compassionate ground.
5. Under similar circumstances, where a married daughter had submitted a representation seeking appointment on compassionate grounds in accordance with G.O.Ms.No.4, dated 28.02.2014, this Hon'ble Court, in W.P.No.16576 of 2024, at Paragraph Nos.5 to 8 passed the following order:

"5. The learned counsel for the petitioner relied on the decisions of this high Court in W.P.No.28931 of 2021, dated 20.01.2022 held in **Smt.Peddisetti Anitha Sree Yenepalli Anitha Sree v. State of Andhra Pradesh**¹ and W.P.No.14734 of 2021 dated 08.04.2022 held in **Gochipatha Kalyani v. State of Andhra Pradesh**², wherein the issue under challenge is the appointment of a married daughter on compassionate appointment being rejected by the appointing authorities. In both these decisions, this High Court held that the married daughter is also entitled for compassionate appointment, if otherwise eligible. In the 2nd cited supra, paragraph-15 reads as under:

"... for all the aforesaid reasons, this Court is of the considered view that the married daughter is also entitled for compassionate appointment. The impugned order, rejecting the petitioner's claim for appointment on compassionate ground, only on the ground that the petitioner is married daughter of the deceased, cannot be sustained. The impugned order is therefore quashed..."

¹ Manu/AP/0072/2022

² 2022 SCC OnLine AP 913

6. The learned Assistant Government Pleader for Civil Supplies has not disputed the legal preposition in the above said cases.

7. Upon consideration to the settled preposition of law and the similar circumstances of this case being covered in the above cited decisions, this Court is of the view that the application of the petitioner can be considered by the 4th respondent in the light of the above decisions, within a period of six (6) weeks from the date of receipt of copy of this order.

8. In the result, the writ petition is allowed. There shall be no orders as to costs."

7. In view of the same, instead of keeping the Writ Petition pending, this Court deems it appropriate to dispose of the Writ Petition by directing the 2nd respondent to consider the case of the petitioner for appointment on compassionate grounds in accordance with G.O.Ms.No.4, Consumer Affairs, Food and Civil Supplies (CS.I) Department, dated 28.02.2014 and as well as the order passed by this Court in W.P.No.16576 of 2024, as per which a married daughter is also eligible for appointment under compassionate grounds. The said process shall be completed within a period of four (4) weeks from the date of receipt of copy of the order.

8. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

As a sequel, miscellaneous applications, pending, if any, shall also stand closed.

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Sd/- T. SRINIVASA RAO
ASSISTANT REGISTRAR


SECTION OFFICER

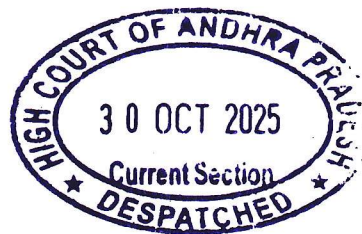
To,

1. The Principal Secretary, Civil Supplies Department, State of Andhra Pradesh, Secretariat Velagapudi, Guntur District.
2. The Revenue Divisional Officer, Kakinada Division, Kakinada District.
3. The Tahsildar, Samalkot Mandal, Kakinada District.
4. One CC to Sri K. Venkatesh, Advocate [OPUC]
5. Two CCs to GP for Civil Supplies, High Court of Andhra Pradesh [OUT]
6. Two CD Copies

HIGH COURT

DATED:07/10/2025

**ORDER
WP NO. 27202 OF 2025**



**DISPOSING OF THE W.P.
WITHOUT COSTS**