

Court No. - 2

Case :- WRIT - C No. - 5556 of 2024

Petitioner :- Mrs. Jay Devi Yadav

Respondent :- M/S B.P.C.L. Thru. Head Of Territory, Deoria

Counsel for Petitioner :- Skand Bajpai, Rhythm Bharadwaj

Counsel for Respondent :- Mohammad Danish

Hon'ble Alok Mathur,J.

Hon'ble Arun Kumar Singh Deshwal,J.

1. Heard Sri Skand Bajpai, learned counsel for the petitioner and Sri Umaid Khan, learned counsel for the respondent.

2. It has been submitted by counsel for the petitioner that in pursuance of the advertisement issued by the respondent for allotment of oil dealership, she has made an application and submitted her candidature for the same. It seems that there were certain defects in the proposed land offered by the petitioner for establishing of retail outlet and accordingly by means of impugned order dated 18th April, 2024, her candidature was cancelled. In the said order, it was also provided that in case, the petitioner is aggrieved by the said cancellation, she can make a representation by 28th April, 2024. Counsel for the petitioner submits that she could not make a representation by the time provided in the order dated 18th April, 2024 due to the fact that she was given assurance that her candidature would be considered but subsequently there was no reconsideration of her candidature and in such circumstances, the petitioner approached this Court by filing the present writ petition.

3. This Court after considering the submissions made by the petitioner and in our considered view, the petitioner has efficacious remedy of representation which is already provided for in the impugned order dated 18th April, 2024 and accordingly she should be relegated to her remedy of representation where all grievances raised by the petitioner shall be considered and decided by the appropriate authority.

4. Learned counsel for the respondent, on the other hand, submitted that procedure for allotment of dealership is in final stages but submits that the letter of intent has not been issued to the selected candidate.

5. In the aforesaid circumstances, this Court is of the considered view that the petitioner cannot be rendered remediless and she

should be permitted to avail her remedy provided by the respondent themselves.

6. Accordingly, the petitioner is granted one week's time to file a representation against the impugned order dated 18th April, 2024 before the prescribed authority/respondent. The prescribed authority/respondent on receipt of the said representation shall consider and decide the same expeditiously, say within a period of 10 days thereafter, in accordance with law and communicate his decision to the petitioner.

7. It is further provided that till passing of the order by the respondent, the respondent shall not issue the letter of intent to the selected candidate. It is made clear that protection granted to the petitioner shall operate only till passing of the appropriate orders by respondent on her representation. In case, the petitioner fails to submit the representation within time provided, the protection granted to her shall not be available.

8. With the observation and direction, the petition stands **disposed of**.

Order Date :- 26.6.2024

A.Kr*

(Arun Kumar Singh Deshwal, J.) (Alok Mathur, J.)