

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

947 WRIT PETITION NO. 2313 OF 2015

NIRAJ PRAKASH TOMPE
VERSUS
UNION OF INDIA AND OTHERS

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Advocate for Petitioner : Mr. Dhage Vivek J.
Mr. SB Deshpande, ASG for Respondent No.1;
Mr. Bhandari Anand P, Adv. For R/2

**CORAM : R.M.BORDE &
P.R.BORA,JJ.**

DATE : 27th February, 2015.

PER COURT :

1) The candidature of the petitioner for appointment as a Distributor for LPG has been turned down by the petroleum company on the ground that the petitioner did not fulfill the requirement of maintaining a minimum balance of Rupees two lacs and fifty thousand in his bank account on the date prescribed for submission of the application form. The criterion/condition incorporated in the advertisement mandates that a candidate has to maintain a minimum balance to the extent of Rupees two lacs and fifty thousand in his bank account on the last day of submission

of application form and the scrutiny shall be made during field verification. During field verification, it is noticed that the petitioner did not maintain minimum bank balance in his account, on the last day of submission of application form, which was requirement under relevant clause of the advertisement.

2) Since the mandatory condition incorporated under the advertisement has not been fulfilled by the petitioner, the Respondent/Corporation was justified in cancelling candidature of the petitioner for allotment of LPG distributorship.

3) Reliance is placed on the Judgment of the Supreme Court in the matter of K. Vinod Kumar Vs. S.Palanisamy, reported in 2003 AIR (SC) 3171 to contend that the relevant condition of maintaining a minimum balance in bank account is not mandatory and directory one. The Supreme Court was confronted with Clause-G contained in the advertisement, which necessitates making a provision of land for godown facility. On bare

perusal of clause G, it is noticed that the said clause was directory and not mandatory. In that case, under the said clause, two months' time was allowed for making the land available for godown facility. In the instant matter, the relevant clause contained in the advertisement shall have to be construed as mandatory.

4) In the result, since there is no merit in the petition and the same stands rejected.

(P.R.BORA)
JUDGE

(R.M.BORDE)
JUDGE

bdv/