

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.6710 OF 2014

Manoj s/o Shashikant Patwari

Petitioner

Versus

Union of India & others

Respondents

Mr.A.S.Bajaj, advocate for the petitioner

Mr.S.B.Deshpande, Assistant Solicitor General for Respondent No.1.

Mr.Alok Sharma, advocate for Respondents No.2 and 3.

Mr.R.N.Dhorde, Senior Counsel i/by Mr.V.R.Dhorde, advocate for Respondent No.4.

CORAM : R.M.BORDE &

A.I.S.CHEEMA, JJ.

DATE : 16th December, 2015

PER COURT:

1 The petitioner is objecting to the decision taken by Respondent-Petroleum Corporation appointing Respondent No.4 as a dealer for retail sale of petroleum products.

2 Petitioner as well as Respondent No.4, along with other applicants, in response to the advertisement published by the Petroleum Corporation, participated in the process of selection of dealer. So far as petitioner is concerned, he was found ineligible and as such, his application came to be rejected. Petitioner challenged decision of the Petroleum Corporation, holding him disqualified, by presenting Writ Petition No.9960 of 2013. Writ Petition came to be dismissed by this Court by an order dated 17.12.2013. Petitioner took up the matter to the Supreme Court, challenging the decision of this Court in SLP (C) No.5496 of 2014.

The Supreme Court also dismissed the SLP presented by the petitioner. Thus, so far as ineligibility of the petitioner and decision taken by the Petroleum Corporation disqualifying the petitioner is concerned, same has been affirmed by the Supreme Court.

3 The petitioner is now objecting to the selection of Respondent No.4, who is a physically challenged person, on the ground that he is guilty of substituting documents after presentation of the application and in the midst of the process. It is contended that the Disability Certificate, which Respondent No.4 has presented, was found to be incomplete and said deficiency has been allowed to be corrected by the Respondent-Petroleum Corporation at later point of time. It is also contended that the objection in respect of land/godown offered by concerned Respondent was also not as per the specification prescribed by the Petroleum Corporation. A clarification has been issued in that behalf by the concerned Respondent, which has been accepted by the Petroleum Corporation.

4 We do not find any serious deviation or infraction of the procedure or rules by the Petroleum Corporation nor there appears to be any *mala fides* attributed to anybody including Respondent No.4. So far as Disability Certificate is concerned, it was pointed out that original certificate bears signatures of three doctors as per the prescribed procedure, however, copy submitted by Respondent No.4 was signed by one doctor and concerned Respondent forwarded original certificate to the Petroleum Corporation, which was found to be acceptable.

5 We do not find any serious deviation in the procedure in respect of appointment of a dealer for retail sale of petroleum products by the Respondent-Petroleum Corporation. The petitioner indulged into litigation and roped Respondent No.4 and the Petroleum Corporation time and again. In this view of the matter, petition being devoid of substance and deserves to be dismissed with costs.

6 Writ Petition is dismissed with costs quantified at Rs.10,000/- (Rs.Ten thousand). Pending Civil Application, if any, does not survive and stand disposed of.

A.I.S.CHEEMA
JUDGE

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R.M.BORDE
JUDGE