

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.12003 OF 2014

Mahesh Sambhaji Kokane,
age: 30 years, Occ: Agril.,
R/o Saint Dnyaneshwar Nagar,
Old Khopegaon Road,
Opp: Om City, Latur-413 531.

Petitioner

Versus

1 The Union of India,
(through its Secretary),
Department of Petroleum,
New Delhi.

2 The Indian Oil Corporation Ltd.,
Aurangabad Divisional Office,
Indian Oil Bhuvan, Plot No.99,
Jyoti Nagar, Aurangabad.

Respondents

Mr.B.M.Dhanure, advocate for the petitioner
Mr.S.B.Deshpande, Assistant Solicitor General for Respondent No.1
Mr.Alok Sharma, A.G.P. for Respondent No.2.

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

DATE : 15th January, 2015

ORAL JUDGMENT (Per R.M.Borde, J.):

1 Heard. Rule. Rule made returnable forthwith and heard finally by consent of learned Counsel for respective parties.

2 The petitioner is a candidate belonging to reserved category. He tried to tender online application in response to the advertisement issued by Respondent No.2-Petroleum Company on 22.10.2014 for appointment as a retail outlet dealer for distribution

of petroleum products under *Kisan Seva Kendra* scheme. The online application tendered by the petitioner is stated to have been rejected with an endorsement that the application is complete to the extent of 76%.

3 The petitioner contends that the information relating to financial status of the petitioner, which is a part of the online application, is not relevant for the candidates belonging to Scheduled Castes and Scheduled Tribe category candidates and as such, he did not fill in the aforesaid information. However, the online application was not accepted. The petitioner tried to tender hard copy of the application, however, same was also not accepted.

4 As per the guidelines prescribed by the Petroleum Company in respect of eligibility criteria, the applicant has to meet minimum requirements as regards availability of suitable land, age, educational qualification and finance. However, for location under Scheduled Caste and Scheduled Tribe categories i.e. corpus fund locations, finance is not an eligibility criteria. The petitioner belongs to Scheduled Caste category and has tendered an application referable to the location mentioned in the advertisement prescribed for said category and as such, admittedly, the criteria relating to finance is not applicable to him. The request of the petitioner for permitting him to participate in the process has been denied solely on the ground that he did not fill in relevant information concerning his financial status provided in the online application. The petitioner cannot be thrown out of consideration merely on the ground that, the information, which is not relevant for the purposes of his application, has not been

tendered by him while filling in online application. The authorities, in such situation, ought to have accepted hard copy of the application and ought to have permitted the petitioner to participate in the process. The Respondent-authorities presumably have not accepted hard copy of the application for the reason that the petitioner failed to tender online application. The online application has not been accepted on account of failure of the petitioner to fill in information, which is not relevant for the purposes of the category to which the applicant belongs. The logical conclusion is that act of the Respondents refusing to accept hard copy of the application is illegal and unacceptable. In the circumstances, we direct the Respondents to accept hard copy of the application of the petitioner, if tendered, within three days from today and permit him to participate in the process and take appropriate decision in accordance with the procedure prescribed in that behalf.

5 Rule is accordingly made absolute. There shall be no order as to costs.

Parties to act upon authenticated copy of this order.

P.R.BORA
JUDGE

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R.M.BORDE
JUDGE