

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.878/2015

Sou. Bharati w/o Shankarrao Chunarkar

...Versus...

The Bharat Petroleum Corporation Ltd., through Territory Manager (Retail),
Nagpur and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri Tushar Darda, Advocate for petitioner
Shri Abhay Sambre, Advocate for respondent no.1

CORAM : SMT. VASANTI A. NAIK AND
PRASANNA B. VARALE, JJ.

DATE : 21.12.2015

By this petition, the petitioner impugns the advertisement issued by the respondent – Oil Company inviting applications from the Scheduled Tribes Category for allotment of petrol pump in Ghatanji.

In pursuance of an advertisement issued by the respondent – Oil Company in the year 2005 for allotment of petrol pump in Ghatanji to the Scheduled Castes (Women), the petitioner had applied for allotment.

The respondent- Oil Company selected the respondent no.2 for allotment of the petrol pump. According to the petitioner, the petitioner was placed at serial no.1 in the waiting list. According to the petitioner, the respondent no.2 did not possess the caste validity certificate and therefore, the allotment of the

petrol pump in her favour was not proper. The petitioner challenged the action of the respondent – Oil Company in a writ petition. In the said writ petition, in view of the statement made by the respondent– Oil Company, the caste claim of the respondent no.2 was referred to the Scrutiny Committee for verification. The Scrutiny Committee validated the caste claim of the respondent no.2 and held that the respondent no.2 belongs to the Scheduled Castes. The caste validity certificate issued in favour of the respondent no.2 was challenged by the petitioner in a writ petition. This Court directed an enquiry in the matter and the caste certificate granted in favour of the respondent no.2 was invalidated. The matter was again reopened in view of the writ petition filed by the respondent no.2 and the caste claim of the respondent no.2 was reconsidered by the Scrutiny Committee. It appears that the caste claim of the respondent no.2 has been invalidated by the Scrutiny Committee in the year 2014. Before invalidation of the caste claim of the respondent no.2, the respondent – Oil Company has issued an advertisement inviting applications from the candidates belonging to the Scheduled Tribes for allotment of the petrol pump in Ghatanji. The said advertisement is challenged by the petitioner in this petition.

According to the petitioner, the respondent– Oil Company ought to have allotted the petrol pump to the petitioner as the petitioner was placed at serial no.1 in the waiting list and the caste claim of the respondent no.2, that is the selected candidate, stands invalidated by the order of the Scrutiny Committee. It is stated that the respondent- Oil Company has floated an advertisement merely with a view to favour a person,

who according to the petitioner, could be allotted the petrol pump. It is stated that the action of the respondent – Oil Company is bad in law and the advertisement is liable to be set aside. A direction is sought against the respondent – Oil Company to consider allotting the petrol pump to the petitioner in pursuance of the 2005 advertisement.

On the other hand, it is stated on behalf of the Oil Company that there is a drastic change in the policy of the Oil Companies and in pursuance of the change in policy, the petrol pump is being advertised for allotment to a person belonging to the Scheduled Tribes. It is stated that merely because the petitioner was placed at serial no.1 in the waiting list in the year 2005 and the petitioner had been prosecuting the matter for long against the respondent no.2, the candidature of the petitioner cannot be considered for allotment on the basis of the advertisement, issued in the year 2005.

We do not find any fault on the part of the Oil Company in not allotting the petrol pump to the petitioner after a long lapse of more than 10 years from the date of issuance of the advertisement in the year 2005. Merely because the petitioner was placed at serial no.1 in the waiting list, the petitioner cannot have a right to seek the allotment of the petrol pump in the year 2015. The select list gets exhausted within a reasonable time from the date of its publication. It appears that the policy of the Oil Companies has undergone a drastic change and in view of the policy now in existence, the Oil Company has advertised the petrol pump for the Scheduled Tribes Category. It appears that as per the draw conducted by the Oil Company, the petrol pump at

Ghatanji stands earmarked for the Scheduled Tribes and accordingly, the same is advertised. Also, we find merit in the submission made on behalf of the Oil Company that hundreds of candidates may apply from the Scheduled Tribes Category and the case canvassed on behalf of the petitioner that the said advertisement is issued merely with a view to favour a particular person appears to be ridiculous.

In the circumstances of the case, we dismiss the writ petition with no order as to costs.

JUDGE

JUDGE

Wadkar