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

WRIT PETITION No. 2194/2014.

Rupali Vivekrao Mhaske

VERSUS

Indian Oil Corporation Ltd. and another.

Office Notes, Office Memoramda of Coram, appearances, Court's orders of directions and Registrar's Orders.	Court's or Judge's orders.

CORAM : B.P. DHARMADHIKARI AND A.P. BHANGALE, JJ.

DATE : MARCH 04, 2015.

Heard Shri J.H. Kothari, learned Counsel for the petitioner and Shri R. Joshi, learned Counsel for respondents.

By this petition filed under Article 226 of the Constitution of India, the petitioner seeks a relief directing respondent nos. 1 and 2 - Oil Company to consider her application for grant of LPG Dealership in RGGLV Scheme. The advertisement inviting applications has been published on 12.05.2013.

Her application has been rejected on the ground that during verification, the saving bank account number disclosed by her was found to containing an amount of Rs. 850/- only, while as per the stipulation in the advertisement, the said amount should have been minimum Rs. 4 lacs.

Learned counsel appearing on behalf of the petitioner submits that the Bank account disclosed was containing the amount, in addition to a certificate issued by the competent Authority, namely the Office of the Accountant General-II, Nagpur. The certificate issued by that Authority dated 02.05.2013, certified that her father was entitled to receive an amount of Rs.4,06,065/- as on 01.05.2012. By inviting attention to Clause 3(g) of the advertisement, it is submitted that such certificate could not have been discarded and the rejection of respondents to consider entitlement of petitioner is, therefore, erroneous.

Shri Joshi, learned Counsel is relying upon the impugned order as also reply affidavit. He submits that as per policy followed by the Company, the norms prescribed by the company are scrupulously followed to avoid any confusion. He relies upon a judgment delivered by the Division Bench of this Court at

Aurangabad in Writ Petition No. 6977/2009 dated 09.03.2010, and a later order passed by Division Bench at Nagpur Bench, dated 22.02.2012 in Writ Petition No. 4441/2011, to submit that this Court has also accepted the said policy and found that strict adherence to the requirement is must.

Perusal of two orders of this Court (supra), shows that there the requirement looked into is about requirement of submission of caste validity certificate. Here perusal of clause 3[g] of the advertisement, which appears as Clause No.6[g] in the broucher, shows that the applicant has to possess minimum amount of Rs. 4 lacs, as closing balance on the last date of submission of the application. This amount can be put together from Saving accounts in Bank/Post Office, free and un-encumbered Fixed deposits in Scheduled Banks, Post Office, Listed Companies/Government Organization/Public Sector Undertaking of State and Central Government, Kisan Vikas Patra, NSC Bonds, Shares of Listed Companies, Listed Mutual Finds, ULIP, PPF, Surrender value of Life Insurance Policies in the name of self or family members of the Family Unit as defined in Multiple Dealership/Distributorship norms. Thus, the various sources or documents which can be pressed into service show that the said list is not exhaustive and any certificate or document or security which meet requirement of the said clause, needs to be examined on merits by the respondents.

Shri Joshi, learned Counsel has invited our attention to the application form submitted by the petitioner. It's perusal shows that against Clause No.11, petitioner has disclosed name of Central Bank of India with account number of his father and mentioned total amount of Rs. 4,06,065/- as available with him on the date of application. Below said figure, he has also stated that it is as per orders of the office of the Accountant General (A & E)-II, Maharashtra State, Nagpur. It is not in dispute that the certificate issued by the said Authority has been filed by the petitioner along with the said application. Impugned order only mentions the bank account. It does not show any consideration of the gratuity amount due to father certified by the Accountant General.

Shri Joshi, learned Counsel has submitted that amount mentioned in the said certificate is actually received by the petitioner's father after last date stipulated in the advertisement. He has further pointed out that the said document by itself does not show that entire amount stipulated therein was payable to the father. According to him on the date on which that certificate has been issued, said amount was provisional.

We do not wish to go into these niceties. The documents needed consideration and has not been looked into by the respondents. As the impugned order does not look into said document, we find it unsustainable. Accordingly the same is quashed and set aside.

Respondents are directed to look into the said certificate submitted by the petitioner in accordance with law and take a suitable decision. Writ Petition is, partly allowed and disposed of. No costs.

JUDGE **JUDGE**

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