

HON'BLE SRI JUSTICE S.V. BHATT

WRIT PETITION No.936 OF 2015

ORDER:

The petitioner prays for Mandamus declaring the proceedings of respondent in reference No.VLRO/LSP/Dwaraka Tirumala dated 06.01.2015, as illegal, arbitrary and contrary to the guidelines framed by the respondent corporation. The petitioner prays for a direction to consider the application dated 14.11.2013 of petitioner for allotment of LPG Distributor at Dwaraka Tirumala, West Godavari District. The impugned letter reads as follows and also explains the reasons for rejecting the application of petitioner.

“Please refer to your application (serial number 12604/332/003) on the subject. We regret to inform you that your candidature has not been found to be eligible for LPG Distributorship as

1. Lease period for godown land is not meeting 15 years clear lease period as of last date for submission of application as per advertisement.
2. Lease period for showroom land is not meeting 15 years clear lease period as of last date for submission of application as per advertisement.”

The respondent on 31.12.2012 issued advertisement calling for applications from eligible persons for appointment as LPG Distributor. In the present writ petition, the petitioner is concerned with Dwaraka Tirumala, West Godavari District. The Distributorship is under category O (CC) i.e. combined category of physically handicapped. It is not in dispute that the applicant shall state and produce proof of lease period for 15 years for Godown as well as Showroom for running the outlet. The petitioner entered into registered lease deed dated 22.01.2013 in proof of the petitioner satisfying the instant requirement of having lease for 15 years for establishing Godown and Showroom.

The respondent issued fresh advertisement dated 15.09.2013 for the areas covered by advertisement dated 31.12.2012. The petitioner again applied for consideration of his case and along with the application, the petitioner has enclosed the lease deed dated 22.01.2013. Through the impugned communication, the application of petitioner is rejected as not satisfying the eligibility criteria. Hence, the writ petition.

The learned counsel for the petitioner contends that the respondent arbitrarily and illegally rejected the application of the petitioner, more particularly, when the registered lease deed falls short of 15 years by few months and the same could be rectified and that the petitioner under a *bona fide* belief, and due to inexperience forwarded the documents which were registered pursuant to the advertisement dated 31.12.2012. The learned counsel prays for a direction to consider the application of petitioner for the subject dealership.

The learned standing counsel, on instructions, submits that the respondent has cancelled the advertisement dated 31.12.2012 in January, 2013 and the issue of advertisement dated 15.09.2015 for all purposes is a fresh notification and the eligibility criteria should be compliant with latest notification. In the case on hand, it is stated that admittedly the enclosures filed along with the application do not satisfy this requirement and no exception can be taken for the rejection. The Corporation cannot consider deviation to the eligibility criteria in individual cases.

I have perused the material available on record and the submissions of the learned counsel appearing for the parties.

The short question that arises for consideration is whether the

respondent should take into consideration the 15 years lease period for the go down and the showroom as per advertisement dated 31.12.2012 or advertisement date 15.09.2013? The respondent has cancelled the advertisement dated 31.12.2012. The consideration of applications is with reference to the advertisement dated 15.09.2013. The eligibility criteria is that the applicant shall possess 15 years lease for go down and showroom for consideration of the application. The instant condition is an important condition. The lapse of the petitioner in resubmitting the registered lease deed dated 22.01.2013 rendering the application incomplete. I see no illegality or irregularity in the communication impugned in the writ.

The writ petition is dismissed. No order as to costs.

Miscellaneous petitions, pending if any, in the writ petition shall stand closed.

S.V.BHATT, J

Date:23.01.2015

Stp