

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.10516 of 2010

ORDER:

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This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner to declare the action of the respondents for selection of the LPG Distributorship at Razole village of East Godavari District and Undi village of West Godavari District without disclosing the selection process, as illegal and arbitrary and consequently set aside the selection process held for the Distributorship of above two places.

The case of the petitioner is that in pursuance to the notification, dated 01.10.2007, issued by the 1st respondent for LPG Distributorship in Andhra Pradesh, the petitioner has applied for two places i.e., Razole village in East Godavari District and Undi village in West Godavari District and also attended for the interview held by the 1st respondent authorities on 11.02.2009 in Visakhapatnam. But, he has not received any information about the selection in those two places. On 24.03.2009, the petitioner addressed a letter to the 2nd respondent with a request to supply the names of the applications and also other details, under the Right to Information Act (for short 'RTI Act') by paying necessary charges. In response to the said letter, the Chief Manager of the

1st respondent addressed letter, dated 28.04.2009, to the petitioner informing that the petitioner secured third place in the merit panel in respect of Razole village and the 3rd and 4th respondents stood in first and second places, respectively and contrary to the same, it was stated in the said letter that the petitioner was not empanelled in the merit panel of first 3 candidates. They failed to furnish the details in respect of Undi village. Thereafter, the 3rd respondent was declared as selected for Distributorship for Razole village. As the 1st

respondent authorities have not supplied the material information as required by the petitioner, he got issued a registered legal notice on 07.04.2009 to the next higher officials of the 2nd respondent bringing to their notice the mischief committed in the selection process. But, there was no response from the higher officials of the 1st respondent authorities. The grievance of the petitioner is that the selection process followed by the

1st respondent authorities is not in accordance with law and if the entire record pertaining to the 3rd and 4th respondents is placed for verification and comparison with his record, the fact would come to light and the fraud and mischief committed by the 1st respondent authorities would be proved.

Heard the learned counsel for the petitioner as well as the learned counsel for the respondents and perused the entire material available on record.

A reading of the affidavit of the petitioner reveals that when the petitioner asked for supply of documents to know the manner in which the 3rd and 4th respondents were selected in first and second places, respectively, by the 1st respondent, the same were not supplied to him. Even though the petitioner challenged the selection of the

3rd respondent as the LPG Distributor for Razole village, he could not able to substantiate that he is in better place than the 3rd and 4th respondents. The reason for the same, according to the petitioner, is that he could not able to get the documents and also the selection process, though he asked the respondents under RTI Act. Hence, this Court is of the view that the writ petition can be disposed of with the following directions:

- i) The petitioner is at liberty to make a representation to the

authorities concerned asking for the documents, for which he is entitled as per rules to know the selection process and also how the 4th respondent was appointed as LPG Distributor for Razole village of East Godavari District.

ii) On such representation, the 1st respondent is directed to furnish the documents, if they are well within their power to furnish the same, to the petitioner.

iii) On receipt of such documents, if the petitioner is really aggrieved by the selection process, he is at liberty to challenge the same in accordance with law in an appropriate Forum by invoking appropriate provisions.

With the above observations, the Writ Petition is disposed of. There shall be no order as to costs. The miscellaneous pending if any, shall stand closed.

RAJA ELANGO, J

March 18, 2015.
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