

**HON'BLE SRI JUSTICE S.V. BHATT**

**WRIT PETITION No.2306 OF 2015**

**ORDER:**

The petitioner prays for Mandamus declaring the proceedings of respondent in reference No.VLRO/LSP/Tanuku-2, 22.12.2014, as illegal, arbitrary and unconstitutional, and consequently to allow the petitioner to participate in the draw for appointment of LPG Distributorship at Tanuku-2, West Godavari District.

The impugned letter reads as follows and also explains the reason for rejecting the application of petitioner.

“Please refer to your application (serial number 12604/340/005) on the subject. We regret to inform you that your candidature has not been found to be eligible for LPG Distributorship as

Lease period for godown land and showroom is not meeting the 15 years clear lease period from the last day of submission of application (ie.18.11.2013) as specified in LPG dealership selection guidelines/as per advertisement.”

The respondent on 15.09.2013 issued advertisement calling for applications from eligible persons for appointment as LPG Distributor. In the present writ petition, the petitioner is concerned with Tanuku-2, West Godavari District. The Distributorship is under category of OBC. 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 11.11.2013 in proof of the petitioner satisfying the instant requirement of having lease for 15 years for establishing Godown and Showroom. The petitioner applied for consideration of his case. Along with the application, the petitioner has enclosed the lease deed dated 11.11.2013.

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 a few days and the same could be rectified and that the petitioner under a *bona fide* belief, and due to inexperience forwarded the document which was registered pursuant to the advertisement dated 15.09.2013. 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 eligibility criteria should be compliant with the notification dated 15.09.2013. In the case on hand, it is stated that admittedly the lease deed filed along with the application does 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 Godown and the Showroom from the last date of submission of application i.e. 18.11.2013? 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 Godown and Showroom from the last date of submission of application (18.11.2013) for consideration of the application. The instant condition is an important

condition. The lapse of the petitioner in submitting the registered lease deed dated 11.11.2013, which is shortfall of 8 days, 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.

Date:06.02.2015  
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**S.V.BHATT, J**