

CWP No. 9411 of 2014

1

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP No. 9411 of 2014.
Date of Decision : 01.09.2015.**

Rajbir Singh

...Petitioner

Versus

Union of India and another

...Respondents

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

Present: Mr. Kewal Krishan, Advocate for
Mr. Premjit Kalia, Advocate for the petitioner.

Mr. Raman Sharma, Advocate for respondent No. 2.

Paramjeet Singh, J. (Oral)

The instant petition has been filed under Articles 226/227 of the Constitution of India for quashing the order dated 12.03.2014 (Annexure P-2) vide which the application of the petitioner for award of LPG Distributorship at Ajnala District Amritsar has been illegally dismissed on the ground that he was not eligible for applying for the said distributorship.

Learned counsel for the petitioner, vehemently, contended that it is nowhere mentioned in the advertisement(Annexure P-1) that the age of the applicant should be less than 45 years as on the last date of

submission of the application. Learned counsel for the petitioner has further contended that the petitioner is fully eligible for the LPG Distributorship at Ajnala District Amritsar.

On the other hand, learned counsel for the respondents has drawn the attention of this Court to Clause 4 of the advertisement (Annexure P-1), wherein it is specifically mentioned that detailed guidelines on eligibility, infrastructure requirements of land for LPG godown/LPG godown, Showroom, infrastructure for Home delivery of cylinders etc. along with the details of selection process can be downloaded free of cost from the websites—www.iocl.com, www.ebharatgas.com, www.bharatpetroleum.in and www.hindustranpetroleum.com of IOCL, BPCL and HPCL.

Learned counsel for the respondents has further submitted that date of birth of the petitioner in the application has been mentioned as 12.06.1962 as per which he is more than 45 years of age and as such, he is not eligible for LPG distributorship.

I have considered the contentions raised by learned counsel for the parties.

The Clause 4 of the advertisement (Annexure P-1) reads as under :-

“4. Detailed guidelines on eligibility, infrastructure requirements of land for LPG godown/LPG godown, Showroom, infrastructure for Home delivery of cylinders etc. along with the details of selection process

are given in the Brochure, which can be collected personally from the address mentioned at para 9 below at a cost of Rs. 50/-. It can also be downloaded free of cost from the websites—www.iocl.com, www.ebharatgas.com, www.bharatpetroleum.in & www.hindustranpetroleum.com of IOCL, BPCL and HPCL.”

The eligibility criteria for all categories applying as individual, as reproduced in the written statement of respondent No. 2, reads as under :-

“6.1 Common Eligibility Criteria for all Categories applying as Individual

The applicant should

- i) Be an Indian citizen and be a resident of India.*
- ii) Have minimum any one of the following educational qualification awarded by any of the Universities incorporated by an Act of the Central or State Legislature in India or any other educational institutions established by an Act of Parliament or declared to be deemed as a University under the UGC Act, 1956, or possess an equivalent qualification recognized by the Ministry of HRD, Government of India as on the date of application :*

- a) Graduation in any field*
- b) Chartered Accountant*
- c) Company Secretary*
- d) Cost Accountant*
- e) Diploma in Engineering*

xx xx xx

- iii) Be not less than 21 years and not more than 45 years in age as on the date of application for all categories except*

GP & FF category & applicants belonging to the category of 'SKO dealers of OMCs'.

For applicants applying for location reserved under GP category, age should not be less than 21 years and not more than 60 years as on date of application.”

From the perusal of the eligibility criteria, it is clear that the applicant must not be more than 45 years of age on the last date of submission of application. In this case, the petitioner has applied in the open category not under the GP category, where only relaxation is given up to 60 years of age. Serial No. 172 of the advertisement under which the petitioner applied, reads as under :-

<i>Sr. No.</i>	<i>Oil Company</i>	<i>Location</i>	<i>District</i>	<i>Category</i>	<i>Type of Market- Urban(U)/ Urban-Rural (UR)/Rural (R)</i>	<i>Security Deposit (Amount in Lakhs ₹)</i>	<i>Marketing Plan</i>
172	BPC	Ajnala	Amritsar	O	R	2.5	2013-14

From above, it is clear that the petitioner has applied under Open Category. Since the petitioner has only applied in the open category, in which the limitation of age is 45 years and he was more than 45 years of age, the petitioner is not eligible for the distributorship applied for by him and no fault can be found with the action of the respondents in rejecting the application of the petitioner.

Dismissed.

September 01, 2015.
kanchan

(PARAMJEET SINGH)
JUDGE

