

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE, BENCH AT AURANGABAD

WRIT PETITION NO.964 OF 2010.**Sudhakar S/o Bhivaji Gaikwad Vs. The Union of India and others.**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders
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Mr.S.S.Deshmukh, advocate for the Petitioner.
 Mr.S.B.Deshpande, ASG for Respondent No.1.
 Mr.Alok Sharma, advocate for Respondent No.2.

**CORAM : S.V.GANGAPURWALA AND
 A.I.S.CHEEMA, JJ.**
Date : 09.03.2016.

PER COURT :

1. Heard.
2. Mr.Deshmukh, learned counsel for the petitioner states that Respondent No.2 had issued advertisement for allotment of a retail outlet i.e. petrol pump. The said advertisement provided reservation for physically handicap, Freedom fighter, Defence persons. However, no reservation is provided for Scheduled Caste category. The said reservation is mandatory. The advertisement is flouting the constitutional mandate.
3. The advertisement is dated 17.8.2009. When the matter was admitted on 6.7.2011, the allotment must have already been made

to the successful candidates. Moreover, the affidavit is filed by Respondent No.1. It states that 25% of all types of dealership/agencies would be reserved for persons belonging to Scheduled Caste/Scheduled Tribes. It is further stated in the affidavit that OMC were advised that inter-se distribution of outlets between SC/ST within this quota would be different for each State depending upon their population.

4. The Respondent No.2 has filed affidavit stating that the Respondent No.2 provides reservation for SC/ST category in respect of allotment of Kisan Seva Kendra retail outlet dealership. As per the said roster system, 13% is reserved for SC category and 12% for ST category and while providing outlets to these categories fully developed KSK – retail outlet at the cost of Oil Corporation are provided. The details are given about the locations reserved for SC and ST category. As such it can not be said that no reservations are provided for SC category. Moreover, the persons to whom retail outlet are provided must be functioning now.

5. In view of the above conspectus, the Writ Petition stands disposed of. Rule discharged. No costs.

(A . I . S . CHEEMA , J .)

(S . V . GANGAPURWALA , J .)

Dt.09.03.2016.
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