

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 26.04.2016

Date of Verdict : 05.07.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.14877 of 2016,
and
M.P.No.13012 of 2016

R.Regunathan

..... Petitioner

versus

- 1.The Union of India,
Rep. by its Secretary to Government,
Ministry of Petroleum and Natural Gas,
Shastri Bhavan, New Delhi-110 001.
- 2.The Chairman,
Indian Oil Corporation Ltd.,
Corporate Office : 3079/3,
JB Tito Marg, Sadiq Nagar,
New Delhi-110 049.
- 3.M/s.Hindustan Petroleum Corporation Ltd.,
Rep. by its Chairman & Managing Director,
No.17, Jamshed Ji Tatta Road,
Mumbai-400 020.
- 4.M/s.Bharat Petroleum Corporation Ltd.,
Rep. by its Chairman & Managing Director,
Bharat Bhavan, No.4 & 6, Currim Bhoy Road,
Ballard Estate, Post Box No.688,
Mumbai-1.
- 5.The Executive Director (TN & P),
Indian Oil Corporation Ltd.,
Indian Oil Corporation Bhava ,
139, Nungambakkam High Road,
Chennai-600 034.

6.The Chief Area Manager,
Indane Area Office,
Indian Oil Corporation Ltd.,
No.2, Race Course Road,
Chokkikulam, Madurai-625 002.

.... Respondents.

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Declaration, declaring the Clause-9.2 of the brochure on guidelines for selection of regular LPG Distributors April 2014 as ultra vires the constitution, illegal and void ab initio insofar as the petitioner is concerned.

For Petitioner : Mr.A.S.Mujuibu Rahman

For Respondents : Mr.M.Ravindran, Senior Counsel
for Mr.v.Anantha Natarajan

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ORDER

This writ petition has been filed by the petitioner, praying for the issuance of a Writ of Declaration, declaring the Clause-9.2 of the brochure on guidelines for selection of regular LPG Distributors April-2014 as ultra vires the constitution, illegal and void ab initio insofar as the petitioner is concerned.

2.The issued involved in this writ petition has already been considered by this Court in batch writ petitions in W.P.Nos.35322 to 35326 of 2013 etc., and this Court by order dated 29.06.2016 dismissed the writ petitions. The relevant portion in the said order is as follows

"28. As regards the contentions raised in respect of allotment of LPG distributorship by way of draw of lots system as per Clause 9, generally, in selection process, there were allegations of personal bias and interference in selecting the dealer and manner of conducting interview was utilized for the purpose of choosing the persons of their choice. In order to eliminate the scope of pick and choose method and to ensure more transparency, the Oil Corporations have decided to adopt draw of lots system. The said draw of lots system envisages putting all the applications into a box and choosing the prospective dealer by picking up in random from among the applicants. A detailed criteria is prescribed for said system.

Applications are scrutinized and are being short listed based on the criteria prescribed by excluding those applications which do not fulfill various requirements as advertised. Thus, the valid applications are put together and subjected to draw system. The parameters for screening of applications are laid down and they are transparent. Once those parameters are fulfilled by all the applicants, all of them would stand on par, there is no further scrutiny and there is no scope for picking A or B, since there is no discretion vested. Therefore, in order to eliminate arbitrariness and favouritism in the selection process, the Oil Corporations have rightly adopted the draw of lots system, which, in my opinion is valid and the selection process would be done in transparent manner. In fact, this issue has also been dealt with by a Division Bench of the Bombay High Court in W.P.No.4693 of 2010, wherein, it has been held as under in para 11:

"11. The procedure of selecting the candidate by drawing lots, in our view, eliminates arbitrariness and favouritism. Clause 12.2 of the Brochure creates a class of meritorious candidates who have secured minimum 80%/60% marks for respective locations and out of this class of eligible candidates one is selected by drawing lots for allotment of LPG distributorship without compromising the aspect of merit and also eliminates arbitrariness and favouritism. The said procedure, in our view, is just and proper for allotment of LPG distributorship."

29. Having regard to the above, I do not find any merit in the contentions raised on behalf of the petitioners in respect of selection process based on draw of lots system.

30. For the foregoing discussion, I am of the view that all the writ petitions are liable to be dismissed as devoid of merits. In such view of the matter, the decisions cited by the learned counsel for the petitioners, which are

related to the business transactions and contractual relationships, etc., cannot be made applicable to the present case."

3.Following the above said order, the present writ petition is also liable to be dismissed. Accordingly, the writ petition is dismissed. Connected Miscellaneous Petition is closed. No costs.
ssv/suk

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

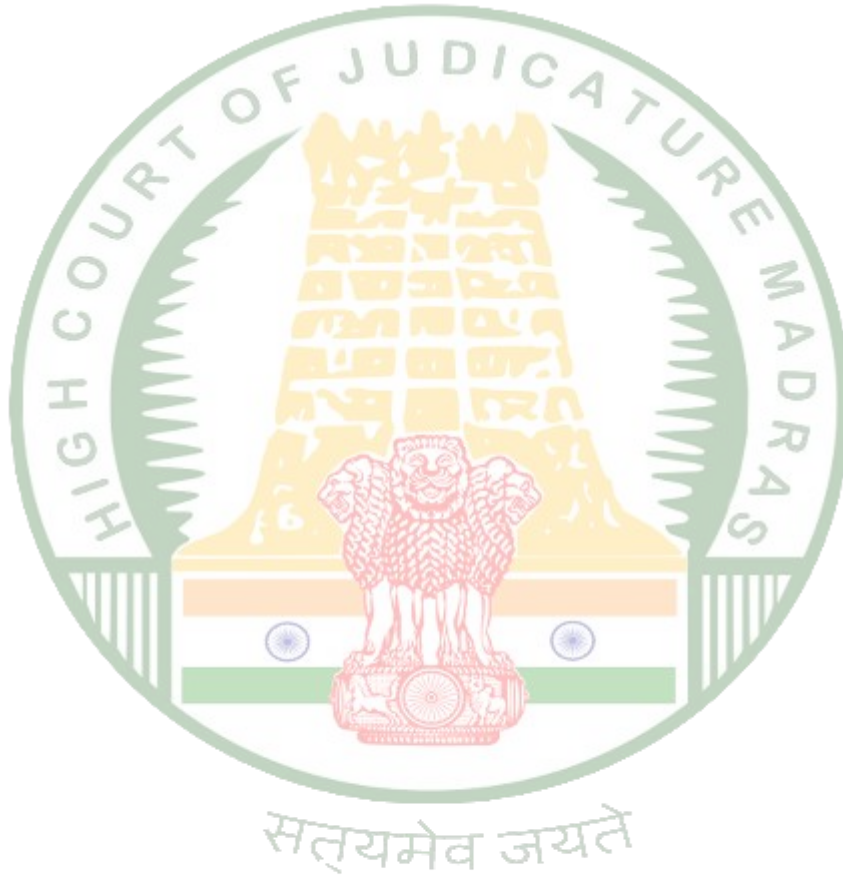
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+ 1 cc to M/s.A.S.Mujubur Rahman, Advocate SR 37743

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