

**HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
THE HON'BLE SRI JUSTICE P.NAVEEN RAO**

WRIT APPEAL No. 514 of 2016

Dt:04.07.2016

Between:

Smt.P.Bharathi.

... Appellant

And

Bharath Petroleum Corporation Limited and another.

... Respondents

**HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
THE HON'BLE SRI JUSTICE P.NAVEEN RAO**

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PC: (per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

Heard Mr.K.R.K.Gargeya, learned counsel for the appellant and Mr.O.Manohar Reddy, learned counsel for the respondents.

This appeal is directed against the order, dated 24.02.2016, passed in W.P.No.11486 of 2011. The appellant, in the writ petition, sought writ of mandamus declaring the proceedings, dated 09.04.2011, issued by respondent No.2 cancelling his candidature for appointment as LPG Distributor for Village Pamulapadu, Kurnool District under Rajiv Gandhi Gramin LPG Vitrak Scheme as illegal, arbitrary and contrary to the guidelines issued under the said Scheme.

It is not in dispute that candidature of the appellant has been cancelled on two grounds; firstly, that he is not a resident of Pamulapadu Village, and secondly, he did not have sufficient balance in his account for allotment of agency.

Mr.K.R.K.Gargeya submitted that though the appellant does not belong to the said Village and he was not resident thereof, he had shifted to that Village on the date of application, and therefore, his candidature cannot be rejected on this ground. In support, he also invited our attention to the residence certificate issued by the concerned authority. He did not make any submissions insofar as the

second ground is concerned.

We have perused the order of the learned Single Judge which considered similar arguments advanced on behalf of the appellant in depth and in concluding paragraphs of the order, observed as follows, and dismissed the writ petition:

“A reading of the above guidelines goes to show that after the FVC Committee completed scrutiny of the application and awarded marks to the applicants based on the information given in the application, selection will be done by draw of lot out of all eligible applicants. In the present case, the FVC Committee has verified and found that the petitioner was not the resident of Pamulapadu village basing on the certificates filed by the petitioner. Admittedly, the certificate was produced on 28.04.2010 on the date of application and it was found that the petitioner was not the resident of Pamulapadu. The FVC Committee also approached the LIC authorities and obtained surrender value of the LIC policies and came to the conclusion that the petitioner has not fulfilled the condition No.10. It is also found that loan eligibility certificate is also not enclosed with the application and the same is obtained at later point of time, but as per the guidelines, the same has to be filed along with the application. Basing on the same, ten (10) marks awarded to the petitioner were reduced and the petitioner got 79% marks, but the minimum qualifying marks for open category is 80% and, hence, the petitioner was disqualified. The petitioner has participated in the selection process and the verification is done after selection is over.

From the foregoing facts, it cannot be said that the rejection of the candidature of the petitioner by way of impugned proceedings dated 09.04.2011 is erroneous. It was observed in the impugned proceedings that in the affidavits of the petitioner in Appendix A, Appendix B, Appendix C submitted along with her application, she had affirmed and declared before the advocate and notary on 28.04.2010 (date of application) that she is residing at Jutur village, Pamulapadu Mandal and basing on the observations of FVC Committee, the impugned order is passed. Admittedly, the petitioner has not filed any loan eligibility certificate at the time of submission of application. In view of the same, this Court cannot sit in appeal over the proceedings issued by respondents cancelling candidature of petitioner for selection of LPG distributor by exercising power of judicial review under Article 226 of the Constitution of India. In view of the same, I do not see any error in the impugned order.”

We have also perused the Brochure on Selection of Rajiv Gandhi Gramin LPG Vitrak and Common Eligibility Criteria for all categories mentioned therein. Common Eligibility Criteria clearly shows that a person must be a resident of town/village(s) of the advertised RGGLV location. Merely because the appellant shifted on the date of application would not help him to claim that he is a resident of town/village. Learned Judge has considered all these aspects in proper perspective and rightly dismissed the writ petition. No case is made out for interference therein.

The appeal is therefore dismissed.

Consequently, miscellaneous petitions, if any, also stand disposed of.

DILIP B. BHOSALE, ACJ

P.NAVEEN RAO,J

Dt:04.07.2016

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