

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2017

CORAM :

The Honourable Mr.JUSTICE M.SUNDAR

W.P. No.1570 of 2012
and M.P.No.2 of 2012

D.Glory

... Petitioner

Vs.

1. The Coordinator,
M/s.Bharat Petroleum Corporation Ltd.,
Chennai LPG Bottling Plant J1-J6,
SIPCOT Industrial Complex,
New Gummidipoondi,
Thiruvallur District-601 201.
2. The Territory Manager,
M/s.Bharat Petroleum Corporation Ltd.,
Chennai LPG Bottling Plant J1-J6,
SIPCOT Industrial Complex,
New Gummidipoondi,
Thiruvallur District-601 201.
3. P.Hemalatha

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorari to call for the records and quash the selection list dated 9.12.2011 issued by the respondents.

For Petitioner : No appearance

For Respondents : Mr.O.R.Santhanakrishnan
for RR1 and 2
No appearance for R-3

ORDER

This writ petition pertains to allotment of distributorship for Liquefied Petroleum Gas ('LPG' for brevity). I am given to understand that it is for distributorship for Arakkonam in Vellore District.

2. There was no representation for the writ petitioner when the matter was called on 7.4.2017. Therefore, the Registry was directed to post the matter for dismissal. Accordingly, the matter was listed under the caption 'for dismissal' today (12.06.2017). Today also, there was no representation for the writ petitioner. Considering the nature

of the matter, I am of the view that no useful purpose would be served if the writ petition is dismissed for default. Mr.O.R.Santhanakrishnan, learned counsel, is present on behalf of respondent Nos.1 and 2. The learned counsel for the third respondent is also not present.

3. I have perused the papers and heard Mr.O.R.Santhanakrishnan, learned counsel appearing for Bharat Petroleum Corporation Ltd. (Respondent Nos.1 and 2). I am disposing of this writ petition on merits.

4. As stated supra, the writ petition pertains to allotment of distributorship for LPG in Arakkonam in Vellore District.

5. The writ petitioner has filed this writ assailing the selection list dated 9.12.2011.

6. Primary and pivotal contention of the writ petitioner is that reservation for Most Backward Community ('MBC' for brevity) has not been made.

7. Mr.O.R.Santhanakrishnan, learned counsel, points out that this particular distributorship is for women category and therefore, further reservation within the same would not arise. He would also submit that in any event, reservation for MBC may not be a constitutional reservation. He makes this submission only as additional and ancillary submission.

8. Be that as it may, he points out that an advertisement calling for application for this distributorship was made on 15.6.2010 and it was caused to be published in the Tamil daily 'Dinakaran'.

9. Mr.O.R.Santhanakrishnan would also submit that the advertisement itself was called in question by some others (other than the writ petitioner) vide W.P.No.24552 of 2010 and W.P.No.29058 of 2010. Learned counsel for respondents 1 and 2 would also point out that W.P.No.24552 of 2010 was disposed of along with other connected writ petitions by a common order dated 23.8.2011. The writ petition being W.P.No.29058 of 2010 was dismissed on 05.09.2011.

10. Be that as it may, this Court is informed that with regard to the impugned selection list, three candidates, namely, P.Hemalatha, G.R.Hemamalini and V.Sridevi were shortlisted and the scores secured by them are 90.90, 87.01 and 83.67 respectively.

11. It is also pointed out that while Hemalatha backed out, there was some variation in field verification with regard to Hemamalini, therefore, she was disqualified and ultimately, the dealership was allotted to Sridevi, whose score was 83.67.

12. To be noted, Sridevi has not been arrayed as one of the respondents. Only the above said Hemalatha was arrayed as third respondent.

13. I have heard the arguments of Mr.O.R.Santhanakrishnan, perused the writ affidavit, counter affidavit (pleadings) and the typed set of papers.

14. It has also been brought to my notice that the above said Sridevi, in whose favour the distributorship was awarded, has commissioned the outlet and the same is functioning from 1.3.2013 (it is more than four years now). The writ petitioner has not produced any material in the typed set of papers to show that the respondent Bharat Petroleum Corporation Ltd. ('BPCL' for brevity) is under any constitutional obligation to make reservation for MBC. In any event, this is for a special category, namely, women and further reservation within such a reserved category is undesirable and inequitable. This submission made by learned counsel Mr.O.R.Santhakrishnan is acceptable.

15. Owing to all that have been stated supra, the pivotal and principle point, on which the writ petition has been filed, fails. The writ petition is dismissed. Considering the nature of the matter, the parties are directed to bear their respective costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

vvk

To

1. The Coordinator,
M/s.Bharat Petroleum Corporation Ltd.,
Chennai LPG Bottling Plant J1-J6,
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New Gummidipoondi, Thiruvallur District-601 201.
2. The Territory Manager,
M/s.Bharat Petroleum Corporation Ltd.,
Chennai LPG Bottling Plant J1-J6,
SIPCOT Industrial Complex,
New Gummidipoondi, Thiruvallur District-601 201.

+1cc to Mr.O.R.Santhanakrishnan, Advocate, S.R.No.41678

W.P.No.1570 of 2012

KS (CO)
CA(23/06/2017)