

CWP No.15509 of 2017

[1]

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

**CWP No.15509 of 2017
Date of decision:19.07.2017**

Surender Kumar

...Petitioner

Versus

Bharat Petroleum Corporation Ltd. and others

...Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Yogesh Goyal, Advocate,
for the petitioner.

Rakesh Kumar Jain, J.

This petition is filed for seeking a writ in the nature of *certiorari* to quash the advertisement dated 13.08.2016, fresh draw of lots held on 17.08.2016 and all the subsequent proceedings thereto and for issuance of a writ in the nature of *mandamus* to direct the respondent-Bharat Petroleum Corporation Ltd. (hereinafter referred to as the "Corporation") to conduct the draw of lots for the LPG distributorship at Mandi Killianwali afresh after giving opportunity to all the persons belonging to SC category to apply for the distributorship.

In short, the Corporation issued an advertisement on 26.10.2012 in "Punjab Kesari" and "The Tribune" for inviting applications for the LPG distributorship at various places in Punjab including Mandi Killianwali in District Sri Muktsar Sahib. The said distributorship was reserved for SC category. After receiving the applications, the Corporation finalized the list of

four candidates on 07.02.2014. The draw of lots was held on 05.11.2014, in which one Lalit Ratwaya S/o Vijay Kumar was successful. However, in the Filed Verification (FVC), the candidature of Lalit Ratwaya was cancelled and on 13.08.2016, the Corporation issued a fresh advertisement, declaring the date for the purpose of fresh draw of lots on 17.08.2016. It was mentioned in the advertisement that only those persons would participate in the fresh draw of lots who were there in the earlier draw of lots and no opportunity was given to a new person to participate in the selection process.

The petitioner was admittedly not an applicant in the earlier selection process.

It is contended that once a fresh advertisement has been issued, the Corporation should have allowed the other people also to participate in the fresh draw of lots. In this regard, counsel for the petitioner has referred to Clauses 4(b), 5 and 8.3 of the Brochure on Guidelines for Selection of Regular LPG Distributors of May, 2013.

I have heard learned counsel for the petitioner and perused the available record with his able assistance.

There is no dispute that the petitioner was not an applicant when the initial advertisement was issued on 26.10.2012, inviting applications for the LPG distributorship in the reserved SC category. There were only 4 candidates on 07.02.2014 and one Lalit Ratwaya was successful in the draw of lots held on 05.11.2014 but his candidature had to be canceled by the Corporation in the Field Verification, though the Letter of Intent was issued. Thereafter, the Corporation decided to offer the distributorship to one of the other candidates, who was in competition with Lalit Ratwaya when he became successful in the

draw of lots held on 05.11.2014 and in this regard, they gave an advertisement on 13.08.2016, only inviting the said candidates, who had earlier applied and remained unsuccessful, to participate in the fresh draw of lots.

There is no force in the argument raised by counsel for the petitioner that the Corporation should have invited fresh applications as none of the provisions of the brochure, referred to by counsel for the petitioner, has any relevance in this regard.

Consequently, I do not find any merit in the present petition and hence, the same is hereby dismissed, though without any order as to costs.

July 19, 2017
vinod*

(Rakesh Kumar Jain)
Judge

Whether speaking / reasoned: Yes/No

Whether Reportable: Yes/No