

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

1 WRIT PETITION NO. 9019 OF 2013

VIJAY @ PAPPUSHET NARAYANDAS RIZWANI  
VERSUS  
UNION OF INDIA AND OTHERS

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Shri. Anil H. Kasliwal (Jain), Advocate, for petitioner.

Shri. Alok Sharma, Standing Counsel, for respondent  
No.2.

Shri. S.D. Kulkarni, Advocate, holding for Shri. Sanket  
Kulkarni, Advocate for respondent No.3

Shri. Akshay Kulkarni, Advocate, holding for Smt. Anjali  
Dube, Advocate, for respondent No.4.

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**Coram: T.V. NALAWADE &  
SUNIL K. KOTWAL, JJ.**

**Date: 2 APRIL 2018**

**ORDER (Per T.V. Nalawade, J.):**

1) The petition is filed under Articles 226 read with 19(1)(g) and 19(6) of the Constitution of India for challenging the restrictions of the age limit put by respondent - Indian Oil Corporation Limited for getting dealership under Item No.6.1 and for declaration that it is *ultra vires* of Articles 19(1) and 19(6) of the Constitution

of India. Further direction is claimed for accepting the application given by the present petitioner for the dealership. Both the sides are heard.

2) The "Brochure on Guidelines For Selection of Regular LPG Distributors" published in August 2013 is produced on record. Guideline No.6.1 (iii) shows that the age of the applicant should not be less than 21 years and should not be more than 45 years on the date of application for all categories except GP & FF category and applicants belonging to the category of 'SKO dealers of OMCs'. The petitioner was aged about 47 years on the date of the application and he wanted to get dealership of LPG Cylinder. The aforesaid age limit is applicable to his application.

3) It is the contention of the petitioner that the age of retirement for Government servants is 60 years and so age less than 60 years cannot be kept for any business like the present one.

4) It is not disputed that setting up of LPG distributorship is a business. It owes all kinds of risk and there is also competition from the distributors who are working for other Oil Corporations. As it is a business proposition the Corporation is entitled to fix criteria like age limit for getting dealership. The Corporation is entitled to consider the aspects like hectic activity involved in the business and initiative which needs to be shown by the distributor. It is a policy decision of the Corporation and this Court does not find any fault in that policy decision. The Corporation has given different age limit for other categories and that can be seen in the Brochure itself. On the basis of those criteria it can be said that the Corporation has studied the matter and as per the requirements the Corporation has fixed the age limit and other conditions are also prescribed. This Court has no hesitation to hold that the classification done by the Corporation for different categories has a sound basis and it cannot be said that the principle of equality is disturbed by the respondent-Corporation. Further, the dealership will be of the nature of contract and not job opportunity and from that angle also it can be said that it

is open to the Corporation to come with such conditions.  
Thus there is no merit in the proceeding and so the  
petition stands dismissed.

Sd/-  
**(SUNIL K. KOTWAL, J.)**

Sd/-  
**(T.V. NALAWADE, J.)**

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