



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 12.06.2018
CORAM:
THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU
AND
THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

W.A.[MD].No.1188 of 2013
and
M.P.(MD)No.2 of 2013

C.M.Contson Antony

.. Appellant/Petitioner

Vs.

1. The Regional Manager (LPG),
Bharath Petroleum Corporation,
Madurai Bye-pass road,
Thoothukudi.

2. Territory Manager, (LPG),
Bharath Petroleum Corporation,
Thoothukudi District,
Thoothukudi.

... Respondents/Respondents

PRAYER: Appeal is filed under Clause 15 of the Letter Patent Act, against the order, dated 08.04.2013 made in W.P.(MD)No.17021 of 2012 on the file of this Court.

Prayer in WP(MD). 17021/ 2012 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of certiorarified mandamus calling for records relating to the impugned proceedings issued by the 2nd respondent in his proceedings in TCN/KKM/TPM/803 dated 01.12.2012 and quash the same as illegal and consequently to direct the respondents issue letter of appointment to the petitioner for LPG Distributor for Thenkaipatnam, Thoothukudi District.

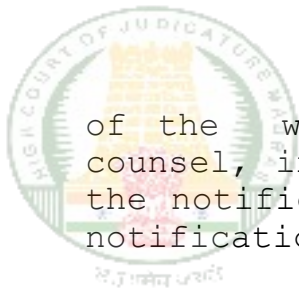
For Appellant : Mr.C.Venkatesh Kumar
for M/s.Ajmal Associates
For Respondents : Mr.S.Natesh Raja

JUDGEMENT

**[Judgement of the Court was delivered
by K.RAVICHANDRABAABU, J]**

This writ appeal is filed challenging the final order made in W.P.(MD)No.17021 of 2012, dated 08.04.2013.

2.The appellant is the writ petitioner. He challenged a communication, dated 01.12.2012, informing that his candidature was rejected for appointment as LPG Distributorship, on the ground that he was not resident of the advertised location. During the pendency



of the writ petition, the respondent Corporation, through their counsel, informed the Writ Court that the Corporation has cancelled the notification in question and was contemplating to issue a fresh notification.

3. Recording the above said statement made by the Corporation, the learned Judge disposed the Writ Petition, however, by observing that it was open to the petitioner to submit his application, in case, fresh notification is issued by the respondent and that the dismissal of the writ petition would not stand in the way of submitting such application by the petitioner, in case, he is eligible as per the notification. Challenging the said order, the present writ appeal is filed before this Court.

4. Heard both sides.

5. The learned counsel appearing for the respondent Corporation submitted that fresh notification was issued and even though the writ petitioner participated in the fresh selection process, he was not successful. When such being the factual position, we do not find anything survives in this writ appeal to be adjudicated upon further, more particularly, when the Corporation itself has cancelled the previous notification, which gave the cause of action for the writ petitioner to file the writ petition and challenge the order rejecting his candidature, in pursuant to such earlier notification, which was cancelled later.

6. Therefore, this Writ Appeal is dismissed as infructuous. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar (Crl. Side)

/True Copy/

Sub Assistant Registrar

To

1. The Regional Manager (LPG),
Bharath Petroleum Corporation,
Madurai Bye-pass road,
Thoothukudi.

2. Territory Manager, (LPG),
Bharath Petroleum Corporation,
Thoothukudi District,
Thoothukudi.

+1CC to Mr.S.Natesh Raja, Advocate, SR.No.68286

W.A. [MD].No.1188 of 2013
12.06.2018