

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.2802 of 2018

ORDER:

Heard the learned counsel for the petitioner and Sri Toom Srinivas, learned Standing Counsel for the respondent Corporation.

2. This writ petition is filed under Article 226 of the Constitution of India, for the following relief:

“To issue an order or writ more particularly one in the nature of Writ of Mandamus declaring the email communication dated 22-01-2017 sent by the 2nd respondent where under refused to correct the name of the petitioner in the application and inaction of the 2nd respondent in not consider the representation sent through email dated 24-01-2018 where under requested to finalize the application of the petitioner for field verification by receiving the required documents pertaining to the LPG distributor ship at Gokavaram Village (SI No 113) East Godavari District and issue the appointment order in her favour is illegal arbitrary and unconstitutional and contrary to the principles of natural Justice.”

3. According to the petitioner, she studied up to 10th Class. The second respondent herein issued a notification dated 01.09.2017 inviting applications through online for allotment of LPG Cylinder Dealership at Gokavaram Village (Sl.No.113) of East Godavari District from eligible candidates. The process of selection was undertaken by Draw of Lots on 03.01.2018. According to the petitioner, after the draw of lots, she was informed that her name was wrongly mentioned as Varalakshmi instead of Satya Venkata Lakshmi in the application and that the said mistake happened in the internet center while uploading the application online. It is further stated that on 04.10.2017, at about 2.29 PM, in the internet center one Smt Gandhi Vara Lakshmi submitted her application and on the same date the application of the petitioner was uploaded at about 3.12 PM and the

application contained columns at pages 1 and 2 for filling up the name as First Name, Middle Name and Last name and due to mistake in the software the name entered earlier to the petitioner herein i.e., Varalakshmi was uploaded instead of the name of the petitioner. It is further stated that the name of the petitioner at page No.2 of the application and other particulars such as the father name, husband name, Adhar card number, residential address, property details were correctly mentioned and the application also contained the photograph of the petitioner.

4. In the above background, the petitioner herein claims to have made representation to the second respondent with a request to consider her name and process her application by taking into consideration the documents submitted, and according to the petitioner, the second respondent refused to receive the same without any valid reason and the second respondent sent e-mail communication dated 22.01.2018 intimating that no changes can be done in the application. Thereupon, petitioner herein made another representation dated 24.01.2018 informing that the mistake crept in due to the software problem and requested to consider the documents and process the application as there is no rival claim in the matter. With the above pleadings, questioning the action of the respondents in declining to consider the claim of the petitioner, the present writ petition came to be filed.

5. It is contended by the learned counsel for the petitioner that the questioned action is highly illegal, arbitrary, unreasonable and violative of Article 14 of the Constitution of India; that the second respondent should not have rejected the case of the petitioner on hyper-technical grounds and invalid reasons; that the present situation would not have cropped up had the second respondent verified all the other documents as requested and that the

petitioner should not have been penalised for the unintentional mistake occurred during the process of uploading the particulars.

6. On the other hand, it is submitted by the learned Standing Counsel appearing for the respondents that there is absolutely no illegality nor there exists any infirmity in the impugned action and in the absence of the same, the impugned action is not amenable for any judicial review under Article 226 of the Constitution of India.

7. The information available before this Court, reveals that though the petitioner emerged as successful candidate in the Draw of Lots taken on 03.01.2018, the second respondent refused to allot the dealership obviously on the ground that in the application while uploading, petitioner mentioned her middle and last name as Varalakshmi instead of venkata Satya Lakshmi and a copy of the online application uploaded with particulars is placed on record by the petitioner along with the writ petition as material paper.

8. Item No.3 of the application deals with the particulars of the applicant. It is not in dispute that as against the name of the applicant the petitioner's application shows the name as Bandaru Varalaxmi and precisely on the said ground that the petitioner wrongly mentioned the name in the declaration column, the second respondent declined to consider the request of the petitioner. A perusal of the said application candidly discloses that at page No.2 against the items 4 and 5, petitioner herein correctly mentioned the name. It is also significant to note that there is no dispute with regard to the other particulars mentioned in the application such as father's name, husband's name, residential address, revenue Sub-Division, district, state etc and it is also pertinent to note that there is no rival claim. Therefore, the reasons assigned by the petitioner, by any stretch of imagination, cannot be doubted. It is also pertinent to note that the petitioner herein correctly

mentioned her name in all the other columns of the application. Therefore, it cannot be said that the petitioner suppressed the facts. Obviously, it is an unintentional mistake crept in while uploading the application. Therefore, the petitioner cannot be penalised. It is also not in dispute that the petitioner herein got selected in the Draw of Lots conducted on 03.01.2018.

9. For the aforesaid reasons, the writ petition is allowed and the respondents are directed to consider the application dated 24.01.2018 of the petitioner, wherein the petitioner herein requested to process her application, and take appropriate action within a period of four weeks thereafter. As a sequel, the miscellaneous petitions, if any, shall stand disposed of. There shall be no order as to costs.

Date:26.02.2018
grk



A.V.SESHA SAI, J

THE HON'BLE SRI JUSTICE A.V.SESHA SAI



W.P.No.2802 of 2018

Dated 26.02.2018

grk